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JOURNAL

OF

THE COUNCIL,

OF THE

ELEVENTH LEGISLATIVE ASSEMBLY,

OF THE

TERRITORY OF IDAHO,

CONVENED ON THE

THIRTEENTH DAY OF DECEMBER, A. D. 1880, AND ADJOURNED ON THE TENTH DAY OF FEBRUARY, A. D. 1881.

AT

BOISE CITY.

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JOURNAL

OF THE

ELEVENTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IDAHO.

COUNCIL.

COUNCIL CHAMBER,
BOISE CITY, I. T., December 13, 1880.

The LEGISLATIVE ASSEMBLY of the Territory of Idaho, began and held at Boise City, on Monday the thirteenth day of December, 1880, being the Eleventh Legislative Assembly, on which day being the time fixed by law for the convening of the Legislative Assembly, at 12 o'clock, M.

The PRESIDENT of the Council and the chief Clerk being absent,

Upon motion of Mr. John Hailey, Mr. S. B. Dilley was called to the chair.

The Secretary of Idaho having duly certified the members elect of the Council,

A roll of members was then called by counties.

Present—Messrs. Anderson, Cobb, Budge, Hailey, Poe, Morrison, Dilley, Willmot, Cowen, Johnson, Murray and Peck.

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All of the above members came forward and presented their certificates of election, duly certified by respective County Clerks of the various counties of the Territory.

On motion of Mr. R. Z. Johnson, Mr. W. F. Anderson, of Lemhi, was elected temporary President.

On motion of Mr. John Hailey,

J. H. Wickersham was elected temporary Chief Clerk.

On motion of Mr. James Murray,

John Gorman was elected temporary Sergeant-at-Arms.

On motion of S. B. Dilley, the members of the Press were invited to seats within the Bar.

On motion of Mr. John Hailey, a committee of five was appointed on credentials, which was carried.

Messrs. Hailey, Peck, Poe, Dilley and Budge were appointed as such committee by the chair.

On motion the Council took a recess until 4 o'clock P. M.

Council resumed its session at 4 P. M.

President Anderson in the chair.

ROLL CALL.

Present—Budge, Cobb, Cowen, Dilley, Hailey, Johnson, Morrison, Murray, Peck, Poe, Willmot and Anderson.

REPORT ON CREDENTIALS.

Mr. Hailey, chairman of the committee on credentials, made the following report:

Mr. President: Your committee on credentials, after careful examination, would respectfully report—

That R. Z. Johnson, of the County of Ada,

John S. Hailey, of the Counties of Ada and Washington,

James Murray, of the County of Boise,

S. B. Dilley, of the Counties of Boise and Alturas,

J. W. Poe, of the County of Nez Perce,

I. B. Cowen, of the Counties of Nez Perce, Shoshone and Lahtoh,

L. P. Willmot, of the County of Idaho,

H. Peck and L. C. Morrison, of the County of Oneida,

Chas. Cobb, of the Counties of Cassia and Owyhee,

William Budge, of the County of Bear Lake, and

W. F. Anderson, of the County of Lemhi, were duly elected members of the Legislative Council of Idaho Territory, Eleventh Legislative Assembly, and are entitled to seats in the Eleventh Legislative Council of the Territory, all of which is respectfully submitted.

HAILEY, Chairman.

On motion of Mr. Johnson, the report was adopted and the committee discharged.

Upon motion of Mr. Johnson, the Council proceeded to the election of officers of this Council.

Upon motion of Mr. Poe, the Council proceeded to elect its officers by acclamation.

On motion of Mr. Cobb, Mr. John S. Hailey was elected President of the Council of the Eleventh Legislative Assembly of the Territory of Idaho by acclamation, and was escorted to the chair by Messrs. Johnson and Peck; President Hailey in the chair.

The President then extended thanks to the members for the honor conferred upon him.

Upon motion of Mr. Dilley, Hon. H. E. Prickett was invited to administer the oath of office to the members and officers elect.

Mr. Dilley moved that a committee of two be appointed to wait upon Hon. H. E. Prickett, Associate Justice of this Territory, and request him to appear in the Council Chamber and administer the oath of office to members and the President elect of this Council.

The motion was carried; and the chair appointed Messrs. Dilley and Anderson as such committee.

The committee withdrew, and returned with Associate Justice Prickett, who administered the oath of office, first to the members elect, and afterwards to the President.

Upon motion of Mr. Cobb, J. H. Wickersham, of Owyhee County, was unanimously elected Chief Clerk.

Upon motion of Mr. Murray, John Gorman, of Boise County was elected Sergeant-at-Arms.

Upon motion of Mr. Cobb, John Bartlow, of Ada County, was elected Watchman.

Upon motion of Mr. Poe, Walter Boyakin was elected messenger.

Upon motion of Mr. Johnson, the Rev. Mr. Crook, of Ada County, was elected Chaplain.

Associate Justice Prickett then administered the oath of office to the chief clerk, sergeant-at-arms and watchman.

On motion of Mr. Dilley, the thanks of the Council were extended to Associate Justice Prickett for his kindness in waiting upon the Council, and administering the oath of office to its members, the President, and attaches.

Mr. Johnson offered the following resolution, which was adopted:

Resolved, that until further orders, the regular hours for

meeting shall be 10 o'clock A. M. and 2 o'clock P. M. of each day except Sundays.

On motion of Mr. Anderson the rules of the Tenth Territorial Council were adopted as the rules of this Council temporarily.

On motion of Mr. Johnson, the Chief Clerk of the Council was directed to wait upon the House of Representatives of the 11th Legislative Assembly of Idaho Territory, and inform that Honorable body that Council had effected a permanent organization by the election of

Hon. John Hailey as President,
J. H. Wickersham, Chief Clerk,
John Gorman, Sergeant-at-Arms,
John Bartlow, Watchman,
Walter Boyakin, Messenger,
Rev. Mr. Crook, Chaplain,

And are now ready for business.

Attested by the Chief Clerk.

Upon motion of Mr. Johnson, the President was instructed at his earliest convenience to appoint the following Standing Committees:

1st. Judiciary.
2d. Finance.
3rd. Federal Relations.
4th. Territorial Affairs.
5th. Mines and Mining.
6th. Incorporations.
7th. Elections.
8th. Counties and County Boundaries.
9th. Military Affairs.
10th. Education.
11th. Roads and Highways.
12th. Printing.
13th. Mileage.
14th. Engrossed Bills.
15th. Enrolled Bills.
16th. Agricultural.
17th. Mail and Mail Facilities.

Upon motion of Mr. Dilley, the Council adjourned until 10 o'clock A. M. Tuesday, Dec. 14, 1880.

J. H. WICKERSHAM, Chief Clerk of the Council.

JOHN HAILEY, President of the Council.

SECOND DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 14, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

Mr. Hailey, President in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot and Mr. President.

Rev. Mr. Crook and Walter Boyakin being in attendance, the oath of office was administered to them by the President of the Council.

Prayer by the Chaplain.

The Journal of yesterday read and approved.

Mr. Dilley introduced the following resolution:

Resolved, That the Secretary of the Council be and is hereby authorized to employ an assistant to act until such time as the Council may designate, a person to fill that position.

The Council refused to suspend the rules, and the resolution was not adopted.

On motion of Mr. Anderson, the Council took a recess until 2 o'clock P. M.

Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Mr. Anderson, by leave, introduced Council Concurrent Resolution, No. 1, relating to compensation and appointment of attaches of the Legislative Assembly.

Read first and second times, and referred to a special committee, consisting of Messrs. Anderson, Johnson and Poe.

Mr. Poe offered the following resolution, and moved its adoption:

Resolved, That a committee of three be appointed on rules, that the same be a standing committee, and that the President be, ex-officio, one of said committee, with power to appoint the other two.

So the resolution was adopted.

The President appointed Messrs. Poe and Dilley on said committee.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, Dec. 14th, 1880.

Mr. President: I am directed to inform your honorable body that the House of Representatives of the Eleventh Session of the Idaho Legislature, have permanently organized by the election of the following officers, to-wit:

Speaker—E. B. True,
Chief Clerk—T. D. Cahalan,
Sergeant-at-arms—John Ward,
Enrolling and Engrossing Clerk—Harlan Peffly,
Watchman—C. N. Austin,
Messenger—Nelson DePartitte,
And are now ready to proceed to business.

T. D. CAHALAN, Chief Clerk.

C. C. resolution No. 2, introduced by Mr. Johnson,

Read first and second times, rules suspended, considered engrossed, read third time, and passed by the following vote:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot and Mr. President. Ayes, 12; nays, none. So the resolution passed.

The President appointed Messrs. Johnson and Poe a joint committee on the part of the Council, to wait upon the Governor and report that the Houses have effected a permanent organization, and are ready to receive any communication he may desire to make.

HALL OF THE COUNCIL,
Dec. 14, 1880.

Mr. President: We, your committee, appointed to wait upon his Excellency, the Governor, ask leave to report that we have performed that duty, and he has informed us it will please him to meet the two Houses in joint session at the Council Chamber, on Wednesday, Dec. 15th, at 7 o'clock P. M.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 14, 1880.

Mr. President: I am directed to inform your honorable body, that in accordance with your joint resolution No. 2, the House has appointed Messrs. Rich, Gray and Jones to act with a like committee from the Council, to notify his Excellency, the Governor, that both houses are organized

and ready to receive any communication he may have to make.

T. D. CAHALAN, Chief Clerk.

On motion of Mr. Johnson, the Chief Clerk was instructed to invite the honorable House of Representatives to meet the Council in joint session in the hall of the Council, on Wednesday evening, Dec. 15th, 1880, at 7 o'clock P. M., for the purpose of receiving the message of the Governor of the Territory.

On motion of Mr. Poe, the Council adjourned until to-morrow, at 10 o'clock A. M.

J. H. WICKERSHAM, Chief Clerk.

JOHN HAILEY, President of the Council.

THIRD DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 15, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

Mr. Hailey, President, in the chair.

ROLL CALL.

Present, Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the Chaplain.

The journal of yesterday read and approved.

The President announced the following standing committees:

Judiciary:
Johnson, Poe, Anderson.

Finance:
Cobb, Budge, Dilley.

Federal Relations:
Dilley, Morrison, Cobb.

Territorial Affairs:
Poe, Morrison, Johnson.

Mines and Mining:
Anderson, Murray, Cowen.

Incorporations:
Poe, Wilmot, Budge.

Elections:
Murray, Poe, Morrison.

Counties and County Boundaries:
Anderson, Peck, Dilley.
Military Affairs:
Wilmot, Peck, Murray.
Education:
Johnson, Budge, Poe.
Roads and Highways:
Peck, Cobb, Murray.
Printing:
Budge, Johnson, Cowen.
Mileage:
Morrison, Cobb, Murray.
Engrossed Bills:
Cobb, Cowen, Dilley.
Enrolled Bills:
Budge, Anderson, Wilmot.
Agriculture:
Cowen, Peck, Wilmot.
Mails and Mail Facilities:
Dilley, Peck, Anderson.

Mr. Anderson by leave introduced the following Council Bills:

COUNCIL BILL NO. 1.

An act granting leave of absence to E. T. Beatty, Probate Judge of Lemhi County.

Read 1st and 2d times and referred to judiciary committee.

COUNCIL BILL NO. 2.

An act to amend an act entitled an act concerning rights-of-way, easements, and other necessary means for the development of Mines. Approved January 12, 1877.

Read 1st and 2d times, and referred to committee on mines and mining.

COUNCIL BILL NO. 3.

An act to amend an act entitled an act in relation to money of account and interest. Approved February 21, 1879.

Read 1st and 2d times and referred to committee on finance.

Mr. Dilley, by leave, introduced the following resolution:

Resolved, That the Territorial Secretary be requested to furnish a sufficient number of the Revised Statutes of Idaho Territory, together with the laws and journals of the ninth and tenth sessions, as may be necessary for the use of this Council. Resolution adopted.

Mr. Anderson, chairman of the special committee, to whom was referred Council concurrent resolution No. 1, by leave, submitted the following report:

To the Honorable, the President of the Legislative Council of the Territory of Idaho:

Your committee, to whom was referred concurrent resolution No. 1, to provide for the appointment or selection of other and additional subordinate officers to the respective branches of the Territorial legislature, to those provided for by an act passed by the 45th Congress, being chapter 329, entitled "An Act making appropriations for the Legislative, Executive and Judicial expenses of the Government for the fiscal year ending June 30th, 1879, and for other purposes," have had the same under consideration, and respectfully report:

That it will be wholly impracticable to proceed with any reasonable dispatch of the public business unless it be competent to the legislative assembly to provide the additional subordinate officers embraced in the resolution under consideration.

Upon an examination of the act of Congress passed at the 45th Congress above recited, and comparing it with the organic law of the Territories as comprised in the Revised Statutes of the United States, it is found that Congress has at this late day, in the spirit of economy in the expenditures of the federal treasury, declined longer to provide for the compensation of several minor officers theretofore deemed useful and necessary to the progress of legislative business, and whose compensation was embraced in the estimates and appropriations for expenses of the several Territorial assemblies. The terms in which the act of the 45th Congress are couched, so far from implying a prohibition on the legislatures to employ such additional officers as might be deemed useful, would, on the contrary, indicate clearly that it was left to legislative discretion to employ such force or not, and as each territorial legislature might judge right or expedient.

Looking to the general powers conferred by Congress on these bodies, which are declared to extend to all rightful subjects of legislation, including the power of appropriation of the moneys raised within the Territories by taxation, few, we apprehend, would have doubted the authority of this Assembly to supply the officers requisite to carry on the work for which it has been created, and to compensate them from the territorial funds, but for the

singular mistaken idea of a former Executive of the territory, put forth under the forms of a message containing his objections to a bill which had passed both Houses for the payment of services rendered by the same class of attaches of the legislature. It is only because objections to the exercise of this power of appropriation emanated from so respectable a source, that it has been deemed advisable by your committee to treat the subject at all with any degree of serious consideration.

In the opinion of your committee, the Congress of the United States has never, at any time, except for a certain object, undertaken to limit, restrict, or in any manner interfere with the right of the people of a territory to raise and collect taxes and to disburse them in such manner as they might deem expedient, by and through their representatives. Having created such legislatures, they have left them as free to act in the expenditure of their own moneys as any State might ordinarily do, save in a single particular, to which we shall advert.

The policy of the Federal Government has been directed in its legislation respecting the Territories to two primary considerations.

1st. To guard the moneys which it might donate or contribute for the support of the legislative, executive and judicial departments of the Territorial governments, and to prevent these Federal donations from being perverted to purposes other than those embraced in the estimates of the Secretary of the Treasury, and the appropriations based thereon.

2d. To prohibit the Territorial Legislatures from creating any debt or charge upon the Federal Treasury.

To accomplish these ends it has provided in one section, that no Legislative Assembly shall in any instance, or under any pretext, exceed the appropriation for annual expenses; and in another it has prohibited any session from being held in any Territory until an appropriation for the expenses thereof shall have been made. But this language has plainly and obviously in view only the moneys and appropriations of the Federal Government, and has no reference to the moneys belonging to the Territorial treasury.

A mistaken idea as to the Legislative power over the Territorial treasury, seems to have grown out of a single prohibition, most wisely ordained by Congress to protect the Territorial moneys from officers appointed by and only responsible to the Federal Government.

By section 1855 of the Revised Statutes of the United States, it is declared that

"No law of any Territorial Legislature shall be made or enforced by which the Governor or Secretary of a Territory, or the members or officers of any Territorial Legislature, are paid any compensation other than that provided by the laws of the United States."

The reason for the introduction of this salutary enactment ceased with the Legislative and Executive departments, because they alone are entrusted with the public purse. It will be observed how industriously Congress has here omitted to embrace the Territorial judiciary in the prohibition. Having cut off all possibility of invading the Territorial Treasury by a common interest and a common understanding between the Legislature and the Executive, it was wisely left by Congress to the Legislature to make additional compensation to the Federal Judges in the Territories at any time when such additional compensation might seem to be demanded by public policy.

Nor do your Committe deem the resolution within the scope of the prohibition contained in section 1888 of the Revised Statutes. It does not propose to make the stipend of the proposed officers a charge upon any appropriation made by Congress, and cannot therefore possibly contribute to produce an excess of expenditure over the amount appropriated by Congress for the expenses of the Territorial Assembly.

Your committee, therefore, recommend the passage of the concurrent resolution.

All of which is respectfully submitted.

Dec. 15, 1880.

ANDERSON, Chairman.

Report adopted.

COMMITTEE OF THE WHOLE.

On motion of Mr. Anderson, the Council resolved itself into committee of the whole.

Mr. Dilley in the chair.

Council Concurrent Resolution No. 1, considered, amended, and reported back with recommendation.

The Committee arose and reported as above to the President.

IN COUNCIL.

The report of the Committee of the Whole, through its chairman, adopted in Council.

Council Joint Resolution No. 1, reported from Committee, with amendments.

Amendments adopted and ordered engrossed.

Mr. Dilley, by leave, introduced the following resolution:

Resolved, That the Committee on Mileage be, and is hereby, instructed to make a report as soon as convenient.

Resolution adopted.

On motion of Mr. Johnson, the Council proceeded to the election of an Enrolling and Engrossing Clerk, and placed in nomination E. B. Tage, of Ada.

On motion of Anderson, E. B. Tage was elected Enrolling and Engrossing Clerk, by acclamation.

The oath of office was then administered to Mr. Tage, by the President.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 15, 1880.

Mr. President: I am directed to inform your Honorable body that the House of Representatives accept the invitation of your Honorable body, to meet in Joint Convention in the Hall of the Council, on the evening of the 15th of Dec., 1880, to receive the message of his Excellency, the Governor.

Respectfully,
T. D. CAHALAN, Chief Clerk.

On motion of Mr. Poe, the Sergeant-at-arms and Doorkeeper were instructed to provide the necessary seats for the accommodation of the members of the House of Representatives, and all ladies in attendance at the Joint Session this evening.

On motion of Mr. Poe, the Council took a recess until 6:30 o'clock P. M.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 15, 1880.

Council met in evening session, at 6:30 o'clock.

President Hailey in the Chair.

ROLL CALL.

Present—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

On motion of Mr. Johnson, the Chief Clerk was instructed to inform the House of Representatives that the Council is now ready to meet in joint convention.

JOINT SESSION.

At 7 o'clock the members of the House of Representatives were received in the Chamber of the Council.

The President of the Council in the chair, was introduced by the Speaker to the Joint Convention as presiding officer thereof.

The rolls of the respective bodies were called by the chief clerks. All present.

Mr. Johnson moved that a joint committee composed of one member from each House of the Legislative Assembly be appointed by the President to wait upon His Excellency, Governor John B. Neil, to inform him that both Houses of the Eleventh Legislative Assembly of Idaho Territory are now in joint session in the Chamber of the Council, and ready to receive any communication he may have to make. Carried.

The President appointed as such committee Mr. Johnson of the Council, and Mr. Onderdonk of the House.

The committee withdrew, and returned, accompanying His Excellency, Governor John B. Neil, who was introduced by the committee to the President.

The President introduced His Excellency, the Governor, to the Joint Convention.

His Excellency thereupon delivered his Biennial Message.

After the reading of the message, upon motion of Mr. Calloway, the Joint Convention of the Legislative Assembly was dissolved, and the House of Representatives returned to their hall.

IN COUNCIL.

The Council resumed its session.

President Hailey in the chair.

On motion of Mr. Cobb, the Council adjourned until 10 o'clock A. M., Thursday, December 16, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FOURTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 16, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

Mr. Hailey, President, in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the Chaplain.

The journal of yesterday was read and approved.

NOTICE OF BILLS.

Mr. President: I give notice that I will at an early day introduce a Bill to create a new County from portions of the Counties of Lemhi and Alturas, to be called the County of Custer.

Dec. 16, 1880.

ANDERSON.

Mr. President: I give notice that I will at an early day introduce a Bill to regulate the mode of locating and recording mining claims, and providing a uniform fee for recording such claims.

Dec. 16, 1880.

ANDERSON.

Mr. President: I hereby give notice that I will at an early day introduce a Bill amendatory of the act concerning conveyances, and providing that an acknowledgment taken within the United States, and without this Territory, shall entitle such instrument to be recorded as notice.

Dec. 16, 1880.

ANDERSON.

Mr. President: I hereby give notice that I will an early day introduce a Bill to regulate the mode of acquiring the priority of right to the use of water for mining, agricultural, manufacturing and other purposes.

Dec. 16, 1880.

ANDERSON.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 15, 1880.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has appointed Messrs. Brumback, Onderdonk and Dempsey, a committee to act with a like committee from the Council, to report Joint Rules for the government of the two Houses.

Respectfully,

T. D. CAHALAN, Chief Clerk.

REPORTS OF STANDING COMMITTEES.

Mr. President: Your committee on engrossed Bills have carefully examined Council Joint Resolution No. 1, and respectfully report the same correctly engrossed.

COBB, Chairman.

Mr. President: Your committee on the Judiciary, to which was referred C. B. No. 1, entitled "An Act granting leave of absence to E. T. Beatty, Probate Judge of Lemhi County, have had the same under consideration, and report the same back, and recommend the passage thereof.

Dec. 16, 1880.

JOHNSON, Chairman.

BILLS READY FOR THIRD READING.

Council Joint Resolution No. 1, relating to the appointment and compensation of assistant attaches, was taken up, reported, engrossed, read a third time, and placed upon its final passage,

The question being: Shall the Resolution pass?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, Mr. President—12.

Nays—none.

So the resolution passed.

COUNCIL BILL NO. 1.

"An act granting leave of absence to E. T. Beatty, Probate Judge of Lemhi County," was taken up, reported back, and recommended for passage.

On motion of Mr. Anderson, the rules were suspended, Council bill No. 1 considered engrossed, read a third time, and placed upon its final passage,

The question being: Shall the Bill pass?

The ayes and nays were called:

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the Bill passed.

INTRODUCTION OF BILL.

Mr. Cobb, by leave, introduced the following Council Bill.

COUNCIL BILL NO. 4.

"An Act to amend an Act to allow valuable stallions to run at large."

Read first and second times, and referred to committee on agriculture.

THE GOVERNOR'S MESSAGE.

On motion of Mr. Johnson, the President was instructed to refer the various subjects contained in the message of his Excellency, the Governor, to the appropriate committees of the Council.

The President thereupon announced the following references:

So much of the message as relates to finance is referred to the committee on finance.

So much of the message as relates to common schools, is referred to the committee on education.

So much of the message as relates to revised statutes, amendments, etc., is referred to the committee on judiciary.

So much of the message as relates to county boundaries, is referred to the committee on counties and county boundaries.

So much of the message as relates to Judicial and District Attorney Districts, is referred to the committee on judiciary.

So much of the message as relates to mining, is referred to the committee on mines and mining.

So much as the message as relates to railroads, is referred to the committee on incorporations.

So much of the message as relates to immigration, is referred to the committee on Federal relations.

So much of the message as relates to Indians is referred to the committee on Territorial affairs.

So much of the message as relates to the rights of married women, is referred to the committee on judiciary.

So much of the message as relates to the apportionment for members of the Territorial Legislature, is referred to the committee on elections.

So much of the message as relates to polygamy, is referred to the committee on judiciary.

On motion of Mr. Johnson, the standing committee on rules of the Council, consisting of Messrs. Dilley, Poe, and the President of the Council, were appointed a standing committee on joint rules to act with a like committee from the House.

On motion of Mr. Johnson, the Council took a recess until 2 o'clock P. M.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

INTRODUCTION OF BILLS.

Mr. Poe, by leave, introduced the following Council Bill:

COUNCIL BILL NO. 5.

An act to provide for the establishment and maintenance of graded schools in the City of Lewiston.

Read 1st and 2nd times and referred to committee on education.

Mr. Johnson, by unanimous consent, introduced the following Council Bill:

COUNCIL BILL NO. 6.

An act to amend an act entitled "An act to regulate proceedings in criminal cases in the Courts of Justice in the Territory of Idaho." Approved January 14th, 1875.

Read first and second times, and referred to committee on judiciary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 16, 1880.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has, under a suspension of the rules, passed Council Joint Resolution No. 1, which is herewith transmitted, relating to the election of additional clerical force for both Houses.

T. D. CAHALAN, Chief Clerk, House.

Mr. Dilley, from the standing committee on rules, reported as follows:

Mr. President: The committee appointed to prepare Standing Rules for the government of the Legislative Council of the Territory of Idaho, would respectfully report the following rules, and recommend their adoption.

We recommend the adoption of Council Rules of the Tenth Session of the Legislative Assembly of Idaho Territory, with the following amendments:

Amend Rule 2 by striking out all after the word "and" on third line, and before the word "shall" in said line, and inserting in lieu thereof the words "on the calling of the roll and a quorum being present."

Amend Rule 8 by adding after the word "Facilities" in

line seven (7), the following: "18th Rules, the President of the Council to be ex-officio chairman of said Committee."

Amend Rule 11 by striking out the 2d order of business and inserting in lien thereof the following: "2d Introduction of Bills and reference to appropriate committee."

Amend Rule 11 in 3d order of business, by adding after the word "committee" in line two and before the word "2d" in same line, the following: "in their order as enumerated in rule 8, and without debate."

Amend Rule 16 by striking out the word "two" in third line, and inserting in lieu thereof the word "one."

Amend Rule 25 by adding after the word "order" and before the word "that" in first line, the following: "except when the ayes and nays are being called, or the previous question is operating."

Amend Rule 38 by adding after the word "reading" in fifth line, the following: "by title."

Amend Rule 47 by striking out all after the word "whatever," in line four.

Amend Rule 54 by striking out the word "eleven," in line two, and inserting in lieu thereof the word "ten."

All of which is respectfully submitted.

S. B. DILLEY,
For the Committee.

The Council took up the consideration of the report.

On motion of Mr. Johnson the rules were suspended, and Rule 1 was adopted.

On motion of Mr. Anderson, Rule 2 was adopted as amended by the committee.

On motion of Mr. Anderson, Rules 3, 4, 5, 6, and 7, were adopted.

Mr. Anderson moved to amend Rule 8 by adding after the word "Council" in second line, and before the word "1st" in third line, the words: "each to consist of three members." Adopted.

On motion of Mr. Anderson, Rule 9 was adopted.

On motion of Mr. Poe, Rule 10 was adopted.

On motion of Mr. Anderson, Rule 11 was adopted as amended by the committee.

On motion of Mr. Anderson, Rule 12 was adopted.

On motion of Mr. Dilley, Rule 13 was adopted.

On motion of Mr. Anderson, Rules 14 and 15 were adopted; also Rules 16 and 17, as amended by the Council.

On motion, Rules 18 and 19 were adopted.

Mr. Anderson moved to strike out in Rule 20, all after

the word "divides" in fourth line, and before the word "any" in sixth line. Carried.

Mr. Poe moved to further amend Rule 20 by striking out all after the word "him" in third line, and before the word "any" in sixth line. Carried. Rule adopted.

On motion of Mr. Dilley, Rule 20 was adopted as amended.

On motion, Rules 21 and 22 were adopted.

On motion of Mr. Johnson, Rule 23 was amended by striking out all after the word "time" in third line, and substituting in lieu thereof the words, "by leave of the Council." Rule adopted as amended.

On motion, Rule 24 was adopted.

On motion, Rule 25 was adopted as amended by the committee.

On motion, Rules 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 were adopted.

On motion, Rule 36 was stricken out.

On motion, Rule 37 was adopted; also Rule 38 as amended by the committee.

On motion, Rules 39, 40, 41, 42, 43, 44, 45 and 46 were adopted.

On motion, Rule 47 was amended by striking out all after the word "interrupted," and adopted as amended.

On motion, Rules 48 and 49 were adopted.

On motion of Mr. Johnson, Rule 50 was amended by striking out all after the word "by" in the first line, and before the word "shall" in second line, and substituting in lieu thereof the word "law."

On motion of Mr. Anderson, Rule 50 was further amended by substituting the word "minute" for the word "journal" in fourth line; the word "minutes" for the word "journals" in sixth line; also by striking out all after the word "superintend" in tenth line, and before the word "the" in eleventh line.

Rule adopted as amended.

On motion, Rules 51, 52 and 53 were adopted; also Rule 54 as amended by the committee.

On motion of Mr. Johnson, Rule 55 was amended by striking out all after the word "representatives" in fourth line, and before the word "may" in same line, and substituting in lieu thereof the words "former presiding officers of the Territorial Council." Rule adopted as amended.

On motion, Rule 56 was adopted.

On motion of Mr. Johnson, Rule 57 was amended by

adding the word "and" after the word "bills" in first line, and before the word "joint" in second line; also by striking out all after the word "joint" in second line, and before the word "resolutions" in same line. Rule adopted as amended.

On motion of Mr. Anderson, Rule 58 was stricken out.

Mr. Poe moved a reconsideration of the vote by which Rule 55 was adopted. Carried.

Mr. Poe moved to amend Rule 55 by striking out the words "Delegates to Congress."

Rule 55 adopted as amended.

Mr. Johnson moved a reconsideration of the vote by which Rule 55 was adopted upon the second amendment, and moved that said motion be laid upon the table. Carried.

On motion of Mr. Anderson, the foregoing rules, as amended, were ordered engrossed, and referred to the committee on printing, with instructions to have printed a sufficient number for the use of the Council.

On motion of Mr. Anderson, the Council adjourned until 10 o'clock A. M. Friday, Dec. 17, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 17, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read, amended and approved.

Mr. Morrison, of the committee on mileage, reported as follows:

Mr. President: Your committee on mileage would respectfully report that they have examined the claims of the members of the Council for mileage, and find them entitled to pay for the number of miles set opposite their respective names:

COUNTY.	MEMBERS.	NO. MILES.
Lemhi	Anderson	1,480
Bear Lake	Budge	1,100
Cassia	Cobb	400
Shoshonee	Cowen	1,080
Alturas	Dilley	200
Ada	Johnson	None
Oneida	Morrison	1,060
Boise	Murray	120
Oneida	Peck	960
Nez Perce	Poe	900
Idaho	Wilmot	1,160
Ada	Hailey	None

MORRISON, Chairman.

Mr. Cobb, from the committee on finance, reported as follows:

Mr. President: Your finance committee, to whom was referred C. B. No. 3, in relation to money of account and interest, respectfully report the same back and recommend its passage.

COBB, Chairman.
DILLEY, dissenting.

Mr. Poe, from the committee on joint rules, reported as follows:

Mr. President: The joint committee on rules of the two Houses of the Legislative Assembly of Idaho Territory, hereby respectfully report the foregoing, and recommend the adoption of the same.

HAILEY,
Chairman Comt. Council.
BRUMBACK,
Chairman House Committee.

JOINT RULES.

I.

In every case of an amendment of a bill agreed to in one House and dissented from in the other, if either House shall request a conference and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by their respective chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses for their action.

II.

When a message shall be sent from either House, it shall be announced at the door by the doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III.

Messages shall be sent by the Clerk, or by such person as a sense of propriety of each house may determine to be proper.

IV.

Notice of the action of either House to the other shall be on paper, and under the signature of the Clerk of the House from which such notice is to be conveyed.

V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the House of Representatives or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the Territory.

VI.

When bills are enrolled they shall be examined by the enrolling committee of the House in which they originated, who shall carefully compare the enrollment with the engrossed bill, as passed by the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith in the House in which the bill originated.

VII.

After an examination and report, each bill shall be signed by the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

VIII.

After a bill shall have been thus signed in each House, it shall be presented by the enrolling committee of the House in which it originated to the Governor of the Territory, for his approval (it being first endorsed on the back of the roll by the Clerk, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be care-

fully entered on the Journals of the House in which the bill originated.

IX.

All Orders, Resolutions and Votes which are to be presented to the Governor of the Territory for his approbation, shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same committee as provided in the case of bills.

X.

A resolution of the two Houses making or involving an appropriation of money, and all other orders and resolutions requiring the approval of the Governor, shall be known as Joint Resolution, shall take the same course of proceedings as bills, and the enacting clause thereof shall be as follows: "Be it resolved by the Legislative Assembly of the Territory of Idaho, as follows." All other resolutions requiring the assent of the two Houses shall be known and designated Concurrent Resolutions, and the enacting clause thereof shall be as follows: "Resolved, by the (naming the House in which it originated), the (naming the other House) concurring therein, as follows."

XI.

When a Bill or resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

XII.

When a Bill or resolution which has passed in one House shall be rejected in the other, it shall not be brought in during the same Session, without a notice of five days and leave of two-thirds of that House in which it shall be renewed.

XIII.

Each House shall transmit to the other, papers on which any Bill or resolution shall be founded.

XIV.

After each House shall have once adhered to its disagreement, a Bill or resolution shall be lost.

XV.

There shall be a joint standing committee of one from

each House, who shall examine all matters proposed to be printed by concurrent order, and shall report what parts of such matter is needful to print.

Mr. Dilley, by special request, introduced Council Concurrent Resolution No. 2, providing for the printing of one thousand extra copies of the Governor's Message.

Read first and second times, and referred to the committee on printing.

Mr. Cowen, from the committee on agriculture, reported back Council Bill No. 4, entitled "An act to amend an act to allow valuable stallions to run at large," and recommended its passage, and moved that the rules be suspended and bill considered engrossed. Carried.

On motion of Mr. Dilley, Council Bill No. 4 was recommitted to the committee on Agriculture for amendment.

The President laid before the Council the following communication:

To the Honorable members of the Council of Idaho Territory, now in session assembled:

The undersigned managers of the Ladies' Fair, held at Lemp's new building, beg the honor of your attendance to patronize their worthy object; and for the favor they will be very grateful, as in duty bound.

Committee of Arrangements, { Mrs. O. P. Johnson, Miss Lillie Blackinger, Miss Mary Kallam.

Boise City, Dec. 15, 1880.

Mr. Anderson, by leave, called up the report of the committee on mileage, and offered the following substitute:

Resolved, That the members of the Council of the Eleventh Territorial Assembly of the Territory of Idaho, are entitled to payment for mileage for attendance at said session for the number of miles set opposite their respective names, to wit:

Anderson, of Lemhi	1,480	miles,
Budge, of Bear Lake	1,100	"
Cobb, of Cassia	400	"
Cowen, of Shoshonee, etc	1,080	"
Dilley, of Alturas	200	"
Johnson, of Ada	none,	
Morrison, of Oneida	1,060	"
Murray, of Boise	120	"
Peck, of Oneida	960	"
Poe, of Nez Perce	900	"
Wilmot, of Idaho	1,160	"
Hailey, of Ada, etc	none.	

Resolved, That a copy of the foregoing resolution, certified by the President and attested by the Chief Clerk of the Council, be transmitted to the Secretary of the Territory.

ANDERSON.

On motion of Mr. Anderson, the rules were suspended, the resolution read a third time, and placed upon its final passage.

The question being, Shall the resolution pass?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the resolution passed.

Mr. Johnson, from the committee on education, asked consent to report back Council Bill No. 5, "An act to provide for the establishment and maintenance of graded schools in the City of Lewiston, and recommended its passage.

Mr. Johnson moved to suspend the rules, and the ayes and nayes were called.

Ayes—Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President—9.

Nays—none.

Absent—Anderson, Budge and Wilmot.

Rules suspended.

On motion of Mr. Johnson, the bill was considered engrossed, read a third time, and placed upon its passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Mr. Budge, from the committee on enrolled bills, reported Council Joint Resolution No. 1 as properly enrolled.

JOINT RULES.

On motion of Mr. Poe, the Joint Rules reported by the joint committees of the Council and House of Representatives, were adopted as reported.

On motion of Mr. Johnson, the Joint Rules were referred

to the committee on printing, with instructions to have the same printed with the separate rules of this Council.

Mr. Dilley in the chair.

On motion of Mr. Hailey, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

Roll call.

Present—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

The President at 2:10 o'clock P. M. announced that he was about to sign Council Joint Resolution No. 1.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 17, 1880.

Mr. President: I am directed to inform your Honorable body that the Hon. Speaker of the House of Representatives announced the following standing committees, to-wit:

STANDING COMMITTEES OF HOUSE.

Judiciary:
Brumback, Hart, Onderdonk, Gray, Rich.

Privileges and Elections:
Pefly, Nicoll, Stalker.

Incorporations:
Langdon, Gilson, Callaway.

Counties and County Boundaries:
Dempsey, Jeffrey, Hibbs.

Education:
Jeffrey, Brumback, Campbell

Ways and Means:
Wood, Dempsey, Garrett.

Mines and Mining:
Callaway, Jones, Hedrick.

Federal Relations:
Callaway, Girton, Cummings.

Roads, Bridges and Ferries:
Hart, Girton, Gray.

Engrossed Bills:
Garrett, Wood, Webster.

Enrolled Bills:
Campbell, Pefly, Onderdonk.

Territorial Affairs:
Rich, Pefly, Hedrick.

Mileage:
Girton, Gilson, Rich.
Military and Indian Affairs:
Nicoll, Stalker, Dempsey.
Printing:
Dudley, Hibbs, Callaway.
Agriculture:
Langdon, Dudley, Garrett.
Mails and Mail Facilities:
Webster, Cummings, Hibbs.

T. D. CAHALAN, Chief Clerk.

Mr. Budge, from the committee on enrolled bills, reported that at 2:15 o'clock P. M., Council Joint Resolution No. 1 was delivered by the committee to the Governor of the Territory for his approval.

INTRODUCTION OF BILLS.

Mr. Cobb, by leave, introduced the following Council Bill:

COUNCIL BILL NO. 7.

An act granting leave of absence from this Territory to James Bascom, County Treasurer of Cassia County.

Read first and second time, and referred to the committee on judiciary.

Mr. Dilley, by leave, introduced the following Council Bill:

COUNCIL BILL NO. 8.

An act to repeal an act entitled "An Act to authorize theCommissioners of Alturas County to levy and collect a special tax for the purchase of fuel, lights and stationery," approved Jan. 13, A. D. 1871.

Read first and second times-and referred to the committee on judiciary.

Mr. Wilmot, by leave, introduced the following Council Bill.

COUNCIL BILL NO. 9.

An act to repeal an act, entitled "An Act, to restrain the herding of sheep," approved Jan. 14, 1875.

Read first and second times, and referred to the committee on agriculture.

MEMORIAL.

Mr. Poe, by leave, introduced Council Memorial No. 1, requesting the President of the United States to reappoint

J. M. Howe to the position of Register of the land office at Lewiston, in this Territory.

Read first and second times.

On motion of Mr. Poe, the rules were suspended, the Memorial read a third time, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—Johnson—1.

So the Memorial passed.

Mr. Budge, from the committee on printing, reported back Council Concurrent Resolution No. 2, and recommended that it do not pass.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY.
BOISE CITY, December 17, 1880.

Hon. John Hailey,
President of the Council:

Sir—I have this day approved "Council Joint Resolution No. 1," authorizing the employment, in each branch of the Eleventh Session of the Legislative Assembly of one Assistant Chief Clerk, one Assistant Enrolling and Engrossing Clerk, and one Door-keeper.

Very Respectfully,
Your Obedient Servant,
J. B. NEIL, Governor.

Mr. Johnson moved that the Council go into committee of the whole for the consideration of Council Concurrent Resolution No. 2. Carried.

COMMITTEE OF THE WHOLE.

Mr. Poe in the chair.

Considered in committee. Committee arose, and asked leave to report.

IN COUNCIL.

President Hailey in the chair.

Chairman reported to the President that the committee of the whole has had under consideration C. C. Resolution No. 2, and report it back, and recommend the indefinite postponement.

Mr. Johnson moved that it be indefinitely postponed.

The question being "Shall the bill be indefinitely postponed?"

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill was indefinitely postponed.

On motion of Mr. Johnson, the rules were suspended, and the Council went into the election of the assistant attaches provided for in C. J. Resolution No. 1.

For Assistant Chief Clerk, Mr. Dilley placed in nomination John A. Ethell, of Alturas County.

On motion of Mr. Anderson, Mr. Ethell was elected Assistant Chief Clerk by acclamation.

Mr. Johnson, by request, laid the following communication before the Council:

BOISE CITY, I. T., Dec. 11, 1880.

To the Territorial Council: The undersigned take pleasure in recommending Miss Julia Henderson (who is seeking a clerkship in your Honorable body), as a person well qualified for the position she asks for, and are satisfied that should you give her the position, the trust will be well placed.

Chas. Himrod,	A. L. Richardson,
H. E. Prickett,	Austin Savage, Coll.
I. W. Garrett,	Fred Epstein,
Tom Cahalan,	D. M. Irwin,
Geo. Bayhouse,	John A. Post,
Wm. C. Beachey,	L. Neil,
D. Falk,	F. Dangel,
D. L. Greene,	Jas. H. Bush,
M. C. Smith,	J. B. Pierce,
J. D. Agnew,	T. J. Curtis.

For Assistant Engrossing and Enrolling Clerk, Mr. Murray placed in nomination Miss Anna Brainard, of Boise County.

On motion of Mr. Dilley, Miss Brainard was elected Assistant Engrossing and Enrolling Clerk, by acclamation.

For Assistant Sergeant-at-Arms and Door-keeper, Mr. Cobb placed in nomination B. M. Anderson, of Ada county.

On motion of Mr. Dilley, Mr. Anderson was elected Assistant Sergeant-at-Arms and Door-keeper by acclamation.

The oath of office was administered to the officers thus elected, by the President.

On motion of Mr. Dilley the Council adjourned until 10 o'clock A. M. Saturday, December 18, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

SIXTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 18, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Morrison, Murray, Poe, and Mr. President.

Absent—Messrs. Anderson, Johnson, Peck, and Wilmot.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Dilley, by leave, introduced Council Concurrent Resolution No. 3, instructing the committee on finance of the Council, and the committee on ways and means of the House of Representatives, to make a thorough investigation into the condition of affairs in the offices of the Territorial Controller and Treasurer.

Read first and second times, and referred to the committee on finance.

Mr. Johnson, on behalf of the committee on printing, presented the following communication:

BOISE CITY, Idaho, Dec. 16, 1880.

To Hon. Wm. Budge,
Chairman of Committee on Printing:

Dear Sir—In regard to the printing for your House, I desire to say this: That I will do all the printing you may desire to have done and look to the United States for my pay. This offer includes all incidental printing of a general nature. Printing of a local nature, that which has reference to one county, the Territory would have to pay for, if you ordered such printing. I will not ask the Territory for any pay for printing of a general nature for the Legislative Council, and I will do the work in good shape and expeditiously.

Yours Truly,
MILTON KELLY.

Mr. Johnson moved that the committee on printing be instructed to contract with Milton Kelly for the printing of this Council, of a general nature, in accordance with the terms specified in the communication presented by the committee.

Mr. Poe moved an amendment to the motion of Mr. Johnson, postponing consideration of the communication until 10 o'clock A. M., Monday, Dec. 20, 1880.

Motions, by leave, withdrawn, and consideration of communication postponed until after the call of the regular order of business of this Council.

Mr. Johnson moved to go into committee of the whole, for the consideration of the report of the committee on printing. Carried.

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

The committee considered the report of the committee on printing.

The following resolution was adopted:

Resolved, That the committee on printing be authorized to contract for the printing of the Council, on terms mentioned in communication submitted by said committee.

The committee arose, and reported, as above, to the President.

IN COUNCIL.

Report of the committee of the whole adopted in Council, upon motion of Mr. Johnson.

On motion of Mr. Wilmot, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Mr. Johnson, by leave, introduced Council Joint Resolution No. 3, appropriating the sum of one hundred and fifty dollars as compensation for the person whom His Excellency, John B. Neil, Governor of Idaho, may designate as his Private Secretary.

Read first and second times, and referred to the committee on finance.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 18, 1880.

Mr. President—I am directed to inform your Honorable body that the House of Representatives has completed its election of attaches, to-wit: William G. Davidson, Assistant Chief Clerk, Miss Ida Savage, Assistant Enrolling and Engrossing Clerk, and J. D. Agnew, Assistant Sergeant-at-Arms and Door-keeper.

Respectfully,

T. D. CAHALAN.

Mr. Cobb, from the committee on finance, presented the following report:

Mr. President—Your finance committee to whom was referred Council Concurrent Resolution No. 3, beg leave to report that they have examined said resolution, and report the same back and recommend its adoption.

COBB, Chairman.

On motion of Mr. Anderson, the Council resolved itself into committee of the whole for the consideration of Council Concurrent Resolution No. 3.

COMMITTEE OF THE WHOLE.

Mr. Budge in the chair.

Council Concurrent Resolution No. 3, considered, amended and reported back with recommendation.

The committee arose and reported as above to the President.

IN COUNCIL.

The report of the committee of the whole was adopted, and on motion of Mr. Anderson, ordered engrossed and placed upon a third reading.

On motion of Mr. Anderson, the Council resolved itself into committee of the whole for the consideration of Council Bill No. 3.

COMMITTEE OF THE WHOLE.

Mr. Poe in the chair.

Council Bill No. 3 considered. Committee arose, reported progress, and asked leave to sit again.

IN COUNCIL.

President Hailey in the chair,

The committee, through its chairman, reported progress, and asked leave to sit again. Report adopted.

Mr. Johnson, by leave, introduced Council Concurrent Resolution No. 4, providing for a joint convention of both branches of the Legislative Assembly of Idaho Territory for the election of a Territorial Printer.

Read first and second times, and referred to the committee on printing.

On motion of Mr. Budge, the Council adjourned until 10 o'clock A. M., Monday, Dec. 20, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

EIGHTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 20, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Anderson.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

Mr. President: Your committee on engrossed bills have carefully examined Council Concurrent Resolution No. 3, and respectfully report the same correctly engrossed.

COBB, Chairman.

Mr. Cobb, from the committee on finance, presented the following report:

Mr. President: Your finance committee, to whom was referred Council Joint Resolution No. 3, making provisions for an appropriation for the employment of a private secretary for His Excellency, John B. Neil, Governor of Idaho Territory, would respectfully report the same back and recommend its adoption.

COBB, Chairman.

On motion of Mr. Cobb, the rules were suspended, Council Joint Resolution No. 3 considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the resolution pass?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the resolution was passed.

Mr. Johnson, by leave, introduced Council Bill No. 10, "An Act authorizing the decisions of the Supreme Court to be published."

Read first, and second times, and referred to the committee of the whole.

Bills ready for a third reading.

Council Concurrent Resolution No. 3, was read a third time, and placed upon its final passage.

The question being, Shall the Resolution pass?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the resolution was passed.

On motion of Mr. Anderson, the Council resolved itself into committee of the whole for the consideration of Council Bill No. 3.

COMMITTEE OF THE WHOLE.

Mr. Poe in the chair.

Council Bill No. 3 considered, and its indefinite postponement recommended.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The committee, through its chairman, reported that Council Bill No. 3 had been considered, and recommended its indefinite postponement.

The question being, Shall the bill be indefinitely postponed?

The ayes and nays were called.

Ayes—Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot and Mr. President—9.

Nays—Anderson, Budge and Cobb—3.

So the bill was indefinitely postponed.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole for the consideration of Council Bill No. 10.

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

Council Bill No. 10 considered and reported back with recommendation that it pass.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The committee, through its chairman, reported that Council Bill No. 10 had been considered, and recommended its passage..

The question being, Shall the bill be passed?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President —12.

Nays—none.

So the bill passed.

Mr. Johnson, by leave, introduced Council Bill No. 11, entitled "An Act to establish a Code of Civil Procedure for Idaho Territory."

Read.

On motion of Mr. Wilmot, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Consideration and reading of Council Bill No. 11 resumed.

On motion of Mr. Dilley, at 4:30 P. M., the Council adjourned until 10 o'clock A. M., Tuesday, Dec. 21st, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

NINTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 21, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Poe, Wilmot, and Mr. President

Absent—Messrs. Anderson and Peck.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Consideration and reading of Council Bill No. 11 resumed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 21, 1880.

Mr. President: I am directed to inform your Honorable body, that the House of Representatives has had under consideration Council Bill No. 1, "An act granting leave of absence from this territory to E. T. Beatty, Probate Judge of Lemhi County," and have passed the same.

Also, House Bill No. 6, "An act repealing all laws relating to collection of poll tax in Nez Perce county," and respectfully ask the concurrence of the Council to the latter named bill. T. D. CAHALAN, Chief Clerk.

On motion of Mr. Wilmot, the Council took a recess until 1:30 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 1:30 o'clock P. M.

President Hailey in the chair.

ROLL CALL.

Present—Anderson, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Budge and Dilley.

Consideration and reading of Council Bill No. 11 resumed.

Read first and second times, and referred to the committee on judiciary.

On motion of Mr. Anderson at 5:20 P. M. the Council adjourned until to-morrow, Wednesday, Dec. 22d, 1880, at 10 o'clock, A. M. JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

TENTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 22, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Budge, by leave, introduced Council Bill No. 12, "An Act to provide for Stock Districts in the county of Bear Lake, Idaho Territory, for creating Stock Boards for such districts, and for the round up of cattle."

Read first and second times and referred to the committee on agriculture.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 22, 1880.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has passed Council Joint Resolution No. 3; also House Joint Resolution No. 2, relating to the appointment of a joint committee from both Houses to visit the Territorial Penitentiary, etc. Also House Bill No. 7, "An Act creating Bear Lake county, and respectfully ask the concurrence of the Council therein."

T. D. CAHALAN, Chief Clerk.

Mr. Dilley, by special request, gave the following notice:

Mr. President: I hereby give notice that I will, at an early day, introduce a memorial, "To the Honorable, the Congress of the United States, now in session at Washington, D. C., "to amend the Organic Act of Idaho Territory, so as to increase the jurisdiction of Justices of the Peace in civil actions from one hundred dollars to three hundred dollars."

DILLEY.

INTRODUCTION OF BILLS.

Mr. Hailey (Mr. Cobb in the chair), by leave, introduced

Council Bill No. 13, "An Act regulating roads, highways, trails, and public thoroughfares in Idaho."

Read first and second times, and referred to the committee on roads and highways.

Mr. Dilley, by leave, introduced Council Joint Resolution No. 4, directing the Sergeant-at-arms of the Council, and the Sergeant-at-arms of the House, to procure from the Territorial Controller postage stamps for the use of the members of the two Houses.

Read first and second times, and referred to committee of the whole.

Mr. Johnson, by leave, introduced Council Bill No. 14, "An Act establishing District Courts in each of the organized counties of this Territory, and providing for the expenses thereof."

Read first and second times, and referred to the committee on judiciary.

REPORTS OF COMMITTEES:

Mr. Anderson, from the committee on mines and mining, presented the following report:

COUNCIL CHAMBER,
Dec. 22, 1880.

Mr. President: Your committee on mines and mining, to which was referred Council Bill No. 2, "An act to amend an act entitled an act concerning rights-of-way, easements and other necessary means for the development of mines," approved Jan'y 12th, 1877, have had the same under consideration, and report it back, and recommend the passage thereof.

ANDERSON, Chairman.

Mr. Budge, from the committee on printing, reported Council Concurrent Resolution No. 4, with amendment.

Amendment—Strike out the word "Territorial" in eighth line, and substitute in lieu thereof the word "public."

House Bill No. 6 taken up, read first and second times, and referred to the committee on finance.

On motion of Mr. Poe, bill referred to the committee on judiciary.

House Joint Resolution No. 2 taken up, read first and second times, and referred to the committee on Territorial affairs.

House Bill No. 7 taken up, read first and second times and referred to the committee on counties and county' boundaries.

GENERAL FILE.

On motion of Mr. Dilley, Council Bill No. 2 was taken up, considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot and Mr. President—12.

Nays—none.

So the bill passed.

On motion of Mr. Johnson, the amendment to Council Concurrent Resolution No 4, proposed by the committee on printing, was adopted.

Resolution ordered engrossed, and passed to a third reading.

On motion of Mr. Dilley, the Council went into committee of the whole for the consideration of Council Joint Resolution No 4.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Council Joint Resolution No. 4 considered, and reported back with the recommendation that it pass.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole had considered Council Joint Resolution No. 4, and recommended the passage of the same.

Report adopted.

On motion of Mr. Dilley, the rules were suspended, resolution considered engrossed, read a third time, and placed upon its final passage.

The question being, Shall the resolution pass?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President—11.

Nays—Wilmot—1.

So the resolution passed.

On motion of Mr. Poe, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Mr. Anderson, by leave, introduced the following resolution:

Resolved, That a special committee, to consist of three members, be appointed by the President of the Council, whose duty it shall be to enquire into the condition of the office and the accommodations provided to the Governor for the transaction of executive business. Also to enquire as to the manner in which any funds, contingent or other, provided by the United States to the predecessor of the present Governor were expended; what arms or military equipments were placed in the hands of said late Governor for the use of the people of this Territory; what disposition was or has been made of the same; what moneys, and if any, in what manner the same were used or expended in the care or keeping thereof; as to where such arms and equipments, if any, were delivered to him, are at present, and as to their condition. That said committee have power to send for persons and papers, to administer oaths to witnesses; and that said committee have leave to report by bill, resolution, or memorial.

ANDERSON.

Mr. Dilley in the chair.

Mr. Hailey, by unanimous consent, offered the following amendment to the resolution introduced by Mr. Anderson, to be inserted after the word condition in line 27:

"Also, as to what disposition has been made, if any, by the Governor of moneys appropriated by former Legislative Assemblies of Idaho to defray the expense of rents for a building in which to store Territorial Arms."

Amendment adopted.

The question being, Shall the Resolution, as amended, pass?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the resolution passed.

Mr. Peck, by leave, introduced the following Council Bill:

Council Bill No. 15, "An act to extend the powers of the County Commissioners of Oneida County."

Read first and second times, and referred to the committee on counties and county boundaries.

Mr. Johnson, from the committee on judiciary, presented the following report:

JUDICIARY COMMITTEE,
December 22, 1880.

Mr. President: Your committee on the judiciary, to whom was referred C. B. No. 7, "An act granting leave of absence from this Territory to James Bascom, County Treasurer of Cassia County," have had the same under consideration, and respectfully report that the subject matter is provided for in the general statutes of the Territory, and we therefore recommend that the bill be indefinitely postponed.

Your committee has also had under consideration C. B. No. 8, "An act to repeal an act entitled An act to authorize the commissioners of Alturas County to levy and collect a special tax for the purchase of fuel, lights and stationery," approved January 13, A. D. 1871, and respectfully recommend that said bill do pass.

And your committee has also had under consideration C. B. No. 6, "A Bill for an Act to amend an act entitled An act to regulate Proceedings in Criminal Cases in the Courts of Justice in the Territory of Idaho, approved January 14th, 1875," and your committee, after such consideration, respectfully report it back with the recommendation that the bill do pass. JOHNSON, Chairman.

On motion of Mr. Johnson, the reports of standing committees were taken up in their order.

Council Bill No. 7 taken up and read a third time.

Mr. Cobb moved that the report of the committee be adopted.

The question being, Shall the bill be indefinitely postponed?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill was indefinitely postponed.

Council Bill No. 8 was taken up, rules suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Council Bill No. 6 taken up, and read a third time.

On motion of Mr. Johnson, the bill was re-committed to the committee on judiciary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 22, 1880.

Mr. President: I am directed to inform your Honorable body, that the House of Representatives has had under consideration, and passed Council Concurrent Resolution No. 3, relating to the appointment of a joint committee of both Houses, to investigate the condition of affairs in the offices of the Territorial controller and treasurer.

Also passed House Bill No. 4, "An Act amending Section 56 of the Revenue Law of the Territory," approved Jan. 15, 1875, which are herewith transmitted.

Respectfully,

T. D. CAHALAN, Chief Clerk.

Mr. Johnson, from the committee on judiciary, presented the following report:

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 6, report the same back, with a substitute therefor, and recommend the passage of the substitute.

JOHNSON, Chairman.

Substitute adopted as reported from committee.

Substitute read first and second times, rules suspended, considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the substitute pass?

The ayes and nays were called:

Ayes—Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Nays—none.

So the substitute passed.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

Mr. President: Your committee on engrossed bills, to

whom was referred Council Concurrent Resolution No. 4, have carefully examined the same, and would respectfully report said resolution as correctly engrossed.

COBB, Chairman.

On motion, the rules were suspended, Council Concurrent Resolution No. 4 read a third time, and placed upon its final passage.

The question being, Shall the resolution pass?

The ayes and nays were called.

Ayes—Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—Anderson—1.

So the resolution passed.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills have examined, and find correctly enrolled, Council Bill No. 1.

BUDGE, Chairman.

House Bill No. 4 was taken up, read first and second times, and referred to the committe on judiciary.

The President announced Messrs. Anderson, Johnson and Poe as the select committee, to inquire into the affairs of the Executive department of Idaho Territory.

On motion of Mr. Dilley, the Council adjourned until 10 o'clock A. M., Thursday, Dec. 23d, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

ELEVENTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 23, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cowen, Johnson Morrison, Murray, Peck, Poe, Wilmot, and Mr. President

Absent—Messrs. Cobb and Dilley.

Prayer by the Chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILL.

Mr. Anderson, by leave, introduced the following Council Bill:

Council Bill No. 16, "An act to create and organize the County of Custer."

Read first and second times, and referred to the committee on counties and county boundaries.

Fifty copies ordered printed.

At 10:30 o'clock A. M., the President announced that he was about to sign Council Bill No. 1.

Mr. Johnson, from the committee on judiciary, presented the following reports:

JUDICIARY COMMITTEE,
December 23, 1880.

Mr. President: The judiciary committee, to whom was re-committed C. B. No. 6, "A bill for an Act to amend an act to regulate proceedings in criminal cases, in the courts of justice, in the Territory of Idaho—approved January 14th, 1875," have had the same under consideration, and herewith report the same back, and recommend its passage.

The judiciary committee, to whom was referred H. B. No. 4, "An act to amend section 56 of an act, entitled, 'An act to provide a uniform system of Territorial and County Revenue, and for the assessing and collecting of the same' approved January 15, 1875," have had the same under consideration, and herewith report the same back, and recommend its passage.

JOHNSON, Chairman.

JUDICIARY COMMITTEE,
December 23, 1880.

Mr. President: The judiciary committee, to whom was referred C. B. No. 11, "A bill for an act to establish a Code of Civil Procedure for Idaho Territory," have had the same under consideration, and report it back, and respectfully recommend its passage.

JOHNSON, Chairman.

Mr. Poe, from the committee on territorial affairs, presented the following report:

Mr. President: Your committee on territorial affairs, to whom was referred House Joint Resolution No. 2, report the same back, with a substitute therefor, and recommend the passage of the substitute.

POE, Chairman.

Mr. Anderson, from the committee on counties and county boundaries, presented the following report:

COUNCIL CHAMBER,
Dec. 23, 1880.

Mr. President: Your committee on counties and county boundaries, to which was referred House Bill No. 7, "An act to amend an act entitled, 'An act creating and organizing the county of Bear Lake,'" approved Jan. 5, 1875, have had the same under consideration, and respectfully report the same, and recommend the passage thereof.

ANDERSON, Chairman.

Mr. Peck, from the committee on roads and highways, presented the following report:

Mr. President: Your committee on roads and highways, to whom was referred Council Bill No. 13, "An act regulating roads, highways and thoroughfares in Idaho," would respectfully report the same back, and recommend its passage as amended.

PECK, Chairman.

Mr. Cowen, from the committee on agriculture, presented the following report:

Mr. President: Your committee on agriculture, to whom was referred Council Bill No. 4, beg leave to report the same back, with a substitute, and recommend the passage of the substitute.

I. B. COWEN, Chairman.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills respectfully report that they have this day, at half-past 10 o'clock A. M., presented Council Bill No. 1 to the Governor for his approval.

BUDGE, Chairman.

GENERAL FILE.

House Bill No. 4 was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Dilley.

So the bill passed.

Council Bill No. 6 taken up, considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nayes—none.

Absent—Mr. Dilley.

So the bill passed.

House Resolution No. 2 taken up. Substitute read first and second times, and referred to the committee of the whole.

House Bill No. 7 taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Dilley.

So the bill passed.

Council Bill No. 11 was taken up, and on motion of Mr. Johnson, the rules were suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President—10.

Nays—none.

Absent—Messrs. Dilley and Morrison.

So the bill passed.

On motion of Mr. Poe, the Council resolved itself into committee of the whole, for the consideration of House Joint Resolution No. 2.

COMMITTEE OF THE WHOLE.

Mr. Peck in the chair.

House Joint Resolution No. 2 considered, and passage of the substitute recommended.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole

has had under consideration House Joint Resolution No. 2, and recommends the passage of the substitute.

On motion of Mr. Poe, the rules were suspended, the substitute considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President —11.

Nays—none.

Absent—Mr. Dilley.

So the bill passed.

Mr. Johnson moved that the standing committee on rules be instructed to report an amendment to rule 11, establishing a thirteenth order of business, providing for a general calendar.

CARRIED.

Council Bill No. 4 was taken up, and the substitute was read first and second times, and referred to the committee of the whole.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole, for the consideration of the substitute for Council Bill No. 4

COMMITTEE OF THE WHOLE.

Mr. Cowen in the chair.

Substitute considered, and its recommitment to the committee on agriculture recommended.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration the substitute for Council Bill No, 4 and recommends its recommitment to the committee on agriculture.

On motion of Mr. Anderson the report was adopted, and the bill and substitute were recommitted.

Council Bill No. 13 was taken up, and on motion of Mr. Anderson, referred to the committee on judiciary, with the report of the committee on roads and highways.

On motion of Mr. Poe, the Council took a recess until 3 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 3 o'clock P. M. President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Johnson Morrison, Murray, Peck, Poe, and Mr. President.

Absent—Mr. Wilmot.

On motion of Mr. Cowen, Mr. Dilley was granted leave of absence until 10 o'clock A. M., Monday, December 27, 1880.

Mr. Johnson, from the committee on judiciary, presented the following report:

JUDICIARY COMMITTEE,
December 23, 1880.

Mr. President: The judiciary committee, to which was referred C. B. No. 14, "A Bill for an act establishing District Courts in each of the organized counties of this Territory, and providing for the expenses thereof," has had the same under consideration, and respectfully report it back, with a recommendation that it do pass.

JOHNSON, Chairman.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills have examined Council Concurrent Resolution No 3; also Council Joint Resolution No. 3, and find the same to be correctly enrolled.

BUDGE, Chairman.

At 2:10 P. M. the President announced that he was about to sign Council Concurrent Resolution No. 3, and Council Joint Resolution No. 3.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, Dec. 23, 1880.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, and passed Council Bill No. 10, "An act authorizing the decisions of the Supreme Court of Idaho to be published; also Council Concurrent Resolution No. 4, relating to the election of a public printer; also Council Joint Resolution No. 4, providing for the furnishing to members of both Houses of the Eleventh Legislative Assembly, postage stamps, and providing for the payment

therefor; also Council substitute for House Bill No. 6, relating to hospital tax in Nez Perce county, which are herewith transmitted. The House has also had under consideration, and passed House Bill No. 1, "An act fixing the salary of the assessor of the county of Nez Perce, which is herewith transmitted, and respectfully request the concurrence of the Council thereto.

T. D. CAHALAN, Chief Clerk.

House Bill No. 1 was taken up, read first and second times, and referred to the committee on judiciary.

Council Bill No. 14 was taken, and on motion of Mr. Johnson, the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Dilley.

So the bill passed.

Mr. Cowen, from the committee on agriculture, presented the following report:

Mr. President: Your committee on agriculture, to whom was referred Council Bill No. 9, have had the same under consideration, and beg leave to report the bill back to the Council, and recommend its passage.

I. B. COWEN, Chairman.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole, for the consideration of Council Bill No. 9.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Bill considered, committee report progress, and ask leave to sit again.

The committee arose, and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

Chairman reported progress, and asked leave to sit again.

On motion of Mr. Anderson, the report was adopted, and made the special order Monday forenoon, Dec. 27, 1880, after the call of the regular calendar.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 23, 1880.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, and passed Council Bill No. 5, "An act to provide for the establishment and maintenance of graded schools in the city of Lewiston, which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

Mr. Johnson, from the judiciary committee, by unanimous consent, presented the following report:

Mr. President: Your committee on judiciary, to whom was referred House Bill No. 1, "An act fixing the salary of the assessor of the county of Nez Perce," report the same back, and recommend that it do pass.

JOHNSON, Chairman.

On motion of Mr. Johnson, the rules were suspended, House Bill No. 1 read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Dilley.

So the bill passed.

On motion of Mr. Johnson, the Council took a recess until 7 o'clock P. M.

JOINT CONVENTION.

At 7 o'clock P. M. the Council and House of Representatives of the Legislative Assembly of the Territory of Idaho, met in joint convention in the chamber of the Council, for the purpose of electing a public printer.

Mr. Hailey, President of the Council, in the chair.

Roll call on part of Council.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Dilley.

Roll call on part of House of Representatives.

Present—Messrs. Brumback, Callaway, Campbell, Cum-

mings, Dempsey, Dudley, Garrett, Gilson, Girton, Gray, Hart, Hibbs, Jeffrey, Langdon, Nichols, Onderdonk, Pefly, Rich, Stalker, Webster, Wood, and Mr. Speaker.

Absent—Messrs. Hedrick and Jones.

Mr. Callaway moved that the election of public printer be by viva voce.

Carried.

Mr. Poe, placed in nomination for the office of public printer, Mr. A. J. Boyakin.

Roll call on the part of the Council.

For A. J. Boyakin: Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Roll call on the part of House of Representatives.

For A. J. Boyakin: Messrs. Brumback, Callaway, Dempsey, Dudley, Girton, Hart, Jeffrey, Langdon, Nickols, Pefly, Rich, Webster, Wood, and Mr. Speaker—14.

Negative—Messrs. Campbell, Cummings, Garrett, Gilson, Gray, Hibbs, Onderdonk and Stalker—8.

Absent—Messrs. Hedrick and Jones.

Mr. A. J. Boyakin having received a majority of all the votes cast, was by the President declared elected to the office of public printer of the Territory of Idaho.

On motion of Mr. Callaway, the Joint Convention was dissolved.

IN COUNCIL.

The Council resumed its session at 7:20 P. M.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Dilley.

On motion of Mr. Poe, the Council adjourned until 10 o'clock A. M. Friday, Dec. 24, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

TWELFTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 24, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson and Dilley.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Johnson, the Sergeant-at-arms was instructed to open all packages of newspapers addressed to the Council and distribute the same to the members.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills beg leave to report that they presented Council Joint Resolution No. 3, relating to an appropriation of money for services of Private Secretary to the Governor, and Council Concurrent Resolution No. 3, relating to the appointment and meeting of a committee on finance of the Council with the committee on ways and means of the House, to the Governor yesterday, at 4.30 P. M., for his approval.

BUDGE, Chairman.

Mr. Poe, from the standing committee on rules, presented the following report:

Mr. President: Your committee on rules very respectfully report and recommend as follows:

That Rule 11 be amended by striking therefrom the 6th and 7th subdivision in the order of business; change the numbers in order of business as follows: No. 8th to No. 6th; No. 9th to No. 7th; No. 10th to No. 8th; No. 11th to 9th. For No. 10th we insert the following: 10th, Business to be taken up from the calendar, and further change No. 12th in order of business to 11th.

HAILEY, Chairman.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole, for the consideration of the report of the committee on rules.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Report of the committee on rules considered, and its adoption recommended.

Mr. Johnson moved that the committee further recommend that Rule 11 be amended, by striking out of the first line of the third order of business the words: "May be made and considered." Carried.

The committee arose, and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The Chairman reported that the committee of the whole has had under consideration the report of the committee on rules, amended the same, and recommends its adoption.

Report adopted.

The question being, Shall the rules be amended as recommended by the committee?

The ayes and nays were called:

Ayes—Messrs. Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—10.

Nays—none.

Absent—Messrs. Anderson and Dilley.

So the Rules were amended.

On motion of Mr. Johnson, the committee on printing were instructed to have printed one hundred copies of the separate Rules of the Council, with the Joint Rules of the Council and House of Representatives.

On motion of Mr. Johnson, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 P. M.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Dilley.

Mr. Cowen, from the committee on agriculture, presented the following report:

Mr. President: Your committee on agriculture, to whom was referred Council Bill No. 12, have had the same under consideration, and beg leave to report the same back to the Council and recommend its passage.

I. B. COWEN, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY.
BOISE CITY, DEC. 24, 1880.

Honorable John Hailey,
President of the Council—

Sir: I have this day approved Council Bill No. 1, an act granting leave of absence to E. T. Beatty, Probate Judge of Lemhi County. Council Joint Resolution No. 3. making an appropriation to defray the expense of a Private Secretary to the Governor," and Council Concurrent Resolution No. 3, directing the finance committees of the Council and House of Representatives "to make a thorough investigation into the condition of the affairs in the office of the Territorial controller and treasurer, with power to send for persons and papers."

Very Respectfully,
Your Ob't Serv't,
J. B. NEIL, Governor.

Council Bill No. 12 was taken up, and on motion of Mr. Cowen, the rules were suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, and Wilmot—10.

Nays—Mr. President—1.

Absent—Mr. Dilley.

So the bill passed.

Mr. Cobb, by leave, introduced the following Council Bill:

Council Bill No. 17, an act to amend an act entitled "An Act concerning County Treasurers," approved Jan. 12, 1875.

Read first and second times and referred to the committee on judiciary.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills beg leave to report that they have examined Council Joint Resolution No. 4, relating to an appropriation for postage stamps; and Council Concurrent Resolution No. 4, calling a meeting of the Legislative Assembly; substitute for House Bill No. 6, relating to hospital tax in Nez Perce County; and Council Bill No. 10, relating to the publish-

ing of the decisions of the Supreme Court, and found them correctly enrolled.

On motion of Mr. Wilmot, the Council adjourned until 10 o'clock A. M. Monday, Dec. 27, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTEENTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 27, 1880.

The Council met at 10 A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the Chaplain.

Journal of Friday, Dec. 24, 1880, read and approved.

INTRODUCTION OF BILLS.

Mr. Budge, by leave, introduced the following Council Bill:

Council Bill No. 18, an act to amend and extend an act entitled "An act concerning hogs found running at large in Ada county in the Territory of Idaho."

Read first and second times, and referred to the committee on agriculture.

Council Bill No. 9, an act to repeal an act entitled "An act to restrain the herding of sheep," approved Jan. 14, 1875, having been made the special order for this hour, the Council resolved itself into committee of the whole for the further consideration thereof.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Bill considered, and its passage recommended.

The committee arose and reported as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole

has had under consideration Council Bill No. 9, and recommends the passage of the same.

Report adopted.

On motion of Mr. Johnson, Council Bill No. 9 was ordered engrossed, and placed upon a third reading.

On motion of Mr. Johnson, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 P. M.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President.

Absent—Messrs. Budge and Wilmot.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

Mr. President: Your committee on engrossed bills would respectfully report that they have examined Council Bill No. 9, and find the same correctly engrossed.

COBB, Chairman.

Mr. Cowen, from the committee on agriculture, presented the following report:

Mr. President: Your committee on agriculture, to whom was referred Council Bill No. 4, have had the same under consideration, and beg leave to report the same back with amendments, and recommend its passage as amended.

I. B. COWEN, Chairman.

On motion of Mr. Johnson, Council Bill No. 9 was placed upon the calendar.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole for the consideration of the amendments to Council Bill No. 4, reported by the committee on agriculture.

COMMITTEE OF THE WHOLE.

Mr. Peck in the chair.

Bill considered, and amended, and its passage recommended.

The committee arose and reported as above to the president.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole

has had under consideration Council Bill No. 4, amended the same and recommends its passage.

Mr. Johnson moved that the amendments be adopted, that the bill be engrossed and placed upon a third reading. Carried.

Council Bill No. 9 was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President —11.

Nays—none.

Absent—Mr. Wilmot.

So the bill passed.

Mr. Johnson gave notice of a motion to reconsider the vote by which Council Bill No. 9 was passed.

At 3 P. M. the President announced that he was about to sign Council Bill No. 10; the substitute for House Bill No. 6; Council Joint Resolution No. 4; and Council Concurrent Resolution No. 4.

On motion of Mr. Johnson, the Council adjourned until 10 o'clock A. M., Tuesday, Dec. 28, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

SIXTEENTH DAY

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 28, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Anderson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Johnson, by leave, introduced the following Council Bill:

Council Bill No. 19, an act to amend section twelve of

an act entitled, "An act concerning crimes and punishments," approved Jan. 14, 1875.

Read first and second times, and referred to the committee on judiciary.

Mr. Johnson, from the committee on judiciary, presented the following report:

JUDICIARY COMMITTEE,
December 28, 1880.

Mr. President: The judiciary committee, to whom was referred C. B. No. 17, "An act to amend an act entitled, An act concerning county Treasurers," approved January 12, 1875, have had the same under consideration, and respectfully report the same back, with a recommendation that it do pass.

JOHNSON, Chairman.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills respectfully report, that they have presented Council Joint Resolution No. 4, substitute for House Bill No. 6, and Council Bill No. 10, to the Governor, at 3:30 P. M. yesterday, for his approval.

BUDGE, Chairman.

Mr. Cowen, from the committee on agriculture, presented the following report:

Mr. President: Your committee on agriculture, to whom was referred Council Bill No. 18, have had the same under consideration, and beg leave to report the same back to the Council and recommend its passage.

COWEN, Chairman.

Council Bill No. 17 was taken up, and on motion of Mr. Johnson, the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion of Mr. Cobb, the Council resolved itself into committee of the whole for the consideration of Council Bill No. 18.

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

Bill considered, and the committee recommend that it be referred to a special committee, consisting of the President of the Council and Mr. Budge, to report a substitute.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council Bill No. 18, and recommends that the same be referred to a special committee, consisting of the President of the Council and Mr. Budge, with instructions to report a substitute therefor.

Report adopted.

MESSAGES FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, December 27, 1880.

To the President of the Council:

Sir: In accordance with the authority given me by Council Joint Resolution No. 3, approved Dec. 24, 1880, I have the honor to inform you that I have appointed Edwin L. Miller as Private Secretary, to serve during the session of the Legislature.

A copy of this communication has been transmitted to the House of Representatives.

Very respectfully,
Your ob't servant,
J. B. NEIL, Governor.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, December, 27, 1880,

To the President of the Council:

Sir: Herewith I have the honor to submit a proposal for the introduction into the public schools, of this Territory, of the National series of school books. This proposition is made by Edward F. Adams, Manager for the Pacific Coast, for the publications of A. S. Barnes & Co., of New York. It appears to me to be a very liberal one, and if it be found upon examination that the series is the best in use, or even a very good one, I urge its acceptance by the Legislature.

In this connection I wish to call special attention to the very excellent remarks of the Superintendent of Public Instruction in his last report, upon the subject of text books. He says:

"Among the improvements greatly needed is that of the introduction of a uniform series of text books in our public

schools. I would most earnestly recommend that this branch of the subject receive the attention of our legislators. At present there is such a medley of books used in the various schools throughout the Territory, that a perfect organization of classes is an impossibility. Owing to this cause the time and labor of the teacher is almost uselessly frittered away in endeavoring to teach from as many different series of school books as there are families represented in the school room. In cases where some kind of uniformity is insisted upon and adopted in particular districts, parents are subjected to the expense of purchasing books of another series when compelled to remove into other districts. This is a source of great inconvenience and expense. All these evils could be easily remedied by a law requiring the adoption of a uniform series."

I trust the defects here pointed out may receive proper consideration, and that measures may be early adopted to remedy them.

A copy of this communication has been transmitted to the House of Representatives.

Very respectfully,
Your ob't serv't,
J. B. NEIL, Governor.

On motion of Mr. Johnson, the consideration of the proposition of A. S. Barnes & Co. accompanying the Governor's message, was indefinitely postponed.

On motion of Mr. Anderson, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 P. M.
President Hailey in the chair.

ROLL CALL,

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

INTRODUCTION OF BILLS.

Mr. Cowen, by leave, introdued the following Council Bill.

Council Bill No. 20, an act regulating the salary and fees of the probate judge of Shoshonee County.

Read first and second times, and referred to the committee on judiciary.

Mr. Poe, by leave, introduced the following Council Bill:

Council Bill No. 21, an act to amend an act entitled "An act to prevent officers dealing in certain securities."

Read first and second times, and referred to the committee on judiciary.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

Mr. President: Your committee on engrossed bills would respectfully report that they have examined substitute for Council Bill No. 4, and find same correctly engrossed.

COBB, Chairman.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills beg leave to report that they have examined Council Bill No. 5, relating to the establishment and maintenance of graded schools in the City of Lewiston, and find the same to be correctly enrolled.

BUDGE, Chairman.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 28, 1880.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and unanimously adopted House Memorial No. 1, relating to the Nez Perce war of 1877, and the Bannock war of 1878. Also House Memorial No. 2, relating to unsurveyed timber lands, etc., and respectfully ask the concurrence of the Council thereto. The House of Representatives has also had under consideration and passed Council Bill No. 8, "An act relating to County Commissioners of Alturas County;" also Council substitute for House Joint Resolution No. 2, which are herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

House Memorial No. 1 was taken up, read first and second times, and referred to the committee on military affairs.

House Memorial No. 2 was taken up, read first and second times, and referred to the committee on Territorial affairs.

On motion of Mr. Dilley, the committee on military affairs was instructed to report upon House Memorial No. 1 at 10 o'clock A. M. to-morrow.

Mr. Johnson asked unanimous consent to have the substitute for Council Bill No. 4 recommitted to the committee on agriculture, for amendment. Granted.

On motion of Mr. Johnson, the Council adjourned until 10 A. M. to-morrow.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

SEVENTEENTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 29, 1880.

The Council met at 10 A. M. pursuant to adjournment. President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the chaplain.

Journal of yesterday read and approved.

Mr. Johnson, by leave, introduced the following Council Bill:

Council Bill, No. 22, an act creating the office of district attorney for each of the organized counties of Idaho Territory, and defining their duties and compensation.

Read first and second times, and referred to the committee on judiciary.

At 10:20 A. M. the President announced that he was about to sign House Bill No. 1, House Bill No. 4, and House Bill No. 7.

Mr. Johnson, from the committee on judiciary, presented the following report:

JUDICIARY COMMITTEE,
December 29, 1880.

Mr. President: The judiciary committee, to whom was referred C. B. No. 19, "An act to amend section twelve of an act entitled An act concerning crimes and punishments, approved January 14, 1875," have had the same under consideration, and respectfully report it back and recommend its passage.

Your committee have also had under consideration C. B. No. 20, "An act regulating the salary and fees of the

probate judges of Shoshone county," and respectfully report the same back, and recommend its passage.

JOHNSON, Chairman.

Mr. Poe, from the committee on Territorial affairs, presented the following report:

Mr. President: Your committee on Territorial affairs, to whom was referred H. M. No. 2, report the same back, and respectfully recommend that it do pass.

POE, Chairman.

On motion of Mr. Johnson, the rules were suspended, House Memorial No. 2 read a third time, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the memorial passed.

At 10:30 A. M. the President announced that he was about to sign Council Bill No. 5.

Mr. Wilmot, from the committee on military affairs, presented the following report:

Mr. President: Your committee on military affairs would respectfully report that they have carefully examined House Memorial No. 1, and would report the same back, and recommend its adoption.

WILMOT, Chairman.

On motion of Mr. Poe, the rules were suspended, House Memorial No. 1 read a third time, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the Memorial passed.

Mr. Budge, from the select committee, consisting of Messrs. Hailey and Budge, to whom was referred Council Bill No. 18, reported a substitute therefor. On motion the substitute was adopted and ordered upon the general calendar.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, December 28, 1880.

To the President of the Council:

Sir: I have this day approved the following measures:

Council Bill No. 10, entitled "An act authorizing the decisions of the Supreme Court to be published," and also Council Bill substituted for House Bill No. 6, entitled "An act to repeal an act entitled an Act authorizing and directing the collection of hospital tax in Nez Perce county, approved January 9, 1877, and An act amendatory thereof, approved Feb. 20, 1879."

Very respectfully,
Your ob't servant,
J. B. NEIL, Governor.

On motion of Mr. Johnson, Council Bill No. 19 was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion of Mr. Johnson, Council Bill No. 20 was ordered engrossed and placed upon a third reading.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole, for the consideration of the substitute for Council Bill No. 18.

COMMITTEE OF THE WHOLE.

Mr. Johnson in the chair.

Substitute considered, amended, and passage recommended.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration the substitute for Council Bill No. 18, amended the same by extending its provisions to the counties of Oneida and Alturas, and recommends its passage as amended.

Report adopted.

Rules suspended. Substitute for Council Bill No. 18 considered, engrossed, read a third time by title, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Title amended.

On motion, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The council resumed its session at 2 P. M.

President Hailey in the chair:

ROLL CALL.

Present—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Budge.

Mr. Johnson, from the committee on judiciary, presented the following report:

JUDICIARY COMMITTEE,
December 29, 1880.

Mr. President: The Judiciary Committee, to whom was referred C. B. No. 21,—"An act to amend an act entitled an act to prevent officers dealing in certain securities"—have had the same under consideration, and respectfully report the same back, with recommendation that it do not pass.

JOHNSON, Chairman.

Mr. Anderson, from the committee on counties and county boundaries, presented the following report:

Mr. President: Your committee on counties and county boundaries, have had under consideration Council Bill No. 16, entitled "An act to create and organize the county of Custer," and report the same back with sundry amendments, and recommend that said amendments be adopted, and the passage of the bill, with such amendments thereto.

ANDERSON, Chairman.

COUNCIL CHAMBER,
Dec. 29, 1880.

Rules suspended, amendments adopted, and bill ordered engrossed.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

Mr. President: Your committee on engrossed bills would respectfully report that they have carefully examined Council Bill No. 20, and report the same as correctly engrossed.

COBB, Chairman.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills respectfully report that they have presented Council Bill No. 5, relating to the establishing and maintenance of graded schools in the city of Lewiston, at 11:15 A. M., to the Governor for his approval.

BUDGE, Chairman.

Mr. Cowen, from the committee on agriculture, presented the following report:

Mr. President: Your committee on agriculture, to whom was referred substitute for Council Bill No. 4, have had the same under consideration, and beg leave to report the same back with amendment, and recommend its passage as amended.

COWEN, Chairman.

Council Bill No. 20, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole for the consideration of Council Bill No. 4.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Bill considered, and committee recommend that it be recommitted to the committee on agriculture for amendment.

The committee arose and reported as above to the President.

IN COUNCIL.

President in the chair.

The chairman reported that the committee of the whole

has had under consideration Council Bill No. 4, and recommends that the same be recommitted to the committee on agriculture for amendment.

Report adopted.

On motion of Mr. Poe, the consideration of Council Bill No. 21 was indefinitely postponed.

At 2:50 P. M. the President announced that he was about to sign Council Bill No. 8, and Council substitute for House Joint Resolution No. 2.

On motion, the Council adjourned until 10 o'clock A. M., Thursday, Dec. 30, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

EIGHTEENTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 30, 1880.

The Council met at 10 A. M., pursuant to adjournment. President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the chaplain.

Journal of yesterday read and approved.

Mr. Cobb, by leave, introduced the following Council Bill:

Council Bill No. 23, "An act to better define the boundary line between the county of Oneida and the county of Cassia, and to re-establish the boundary line between the county of Alturas and the county of Cassia."

Read first and second times, and referred to the committee on counties and county boundaries.

Mr. Johnson, from the committee on judiciary, presented the following report:

JUDICIARY COMMITTEE,
December 30, 1880.

Mr. President: The judiciary committee, to whom was referred C. B. No. 13, "An act regulating roads, highways, trails and public thoroughfares, in Idaho," have had the same under consideration, and respectfully report the same back, with sundry verbal and other amendments

throughout the bill, and with substitutes for sections one, twenty-one, twenty-two, twenty-five, twenty-nine, thirty-four, thirty-six, thirty-seven, thirty-eight, forty-one, and forty-five, and additional sections forty-six and forty-seven; and recommend that the bill, as thus amended, do pass.

JOHNSON, Chairman.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills, beg leave to report that they have presented Council Bill No. 8, and substitute for House Joint Resolution No. 2, yesterday at 3:10 P. M., to the Governor for his approval.

BUDGE, Chairman.

Mr. Cowen, from the committee on agriculture, presented the following report:

Mr. President: Your committee on agriculture, to whom was referred substitute for Council Bill No. 4, beg leave to report the same back, as amended by instructions from the committee of the whole, and recommend its passage as amended.

COWEN, Chairman.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 29, 1880.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, and passed House Bill No. 8, "An act to create a contingent fund in Shoshone county." Also House Bill No. 11, "An act to disincorporate Franklin City, in Oneida county." Also House Bill No. 13, to extend the power of the county commissioners of Boise county. Also House Bill No. 19, relating to the fees of officers of Washington county. Also House Bill No. 20, requiring butchers and other dealers in fresh meats, to pay a license in Shoshone county; and respectfully ask the concurrence of the Council thereto.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T. Dec. 29, 1880.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, and passed House Bill No. 21, granting leave

of absence from this Territory to Willard Crawford. Also House Bill No. 33, relating to sheep in Bear Lake county. Also House Joint Resolution No. 4, providing for printing the Governor's message. Also House Concurrent Resolution No 5, providing for the appoinment of a joint committee to revise and compile the laws of Idaho, and respectfully ask the concurrence of the Council thereto.

Respectfully,

T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Dec. 29,1880.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, and passed Council Bill No. 12, "An act providing for stock districts, etc., in Bear Lake county," which is herewith transmitted.

Respectfully,

T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Joint Resolution No. 4, relating to the publication of the Governor's message, was taken up, read first and second times, and referred to committee of the whole.

House Concurrent Resolution No. 5, providing for the revision of the laws of Idaho, was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 8, providing for a contingent fund in Shoshone county, taken up, read first and second times, and referred to the delegation from Shoshone county.

House Bill No. 11, providing for the disincorporation of Franklin City, in Oneida county, taken up, read first and second times, and referred to the delegation from Oneida county.

House Bill No. 13, extending the powers of the county commissioners of Boise county, relating to road contracts, taken up, read first and second times, and referred to the delegation from Boise county.

House Bill No. 16, regulating the salary of certain officers in Washington county, taken up, read first and second times, and referred to the committee on counties and county boundaries.

House Bill No. 20, providing for a butchers' license, taken up, read first and second times, and referred to the delegation from Shoshone county.

House Bill No. 21, granting leave of absence to Willard

Crawford, taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 33, relating to sheep in Bear Lake county, taken up, read first and second times, and referred to the committee on agriculture.

On motion of Mr. Anderson, the Council resolved itself into committee of the whole for the consideration of House Joint Resolution No. 4.

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

Committee arose.

IN COUNCIL.

President Hailey in the chair.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, December 30, 1880.

To the Honorable President of the Council,

Sir: I have this day approved the following measures:

Council Joint Resolution No. 4, and Council Bill No. 8, being an act to repeal an act entitled "An act to authorize the commissioners of Alturas county to levy and collect a special tax for the purchase of fuel, lights and stationery," approved January 13th, A. D. 1871.

Very respectfully, your ob't s'v't,

J. B. NEIL, Governor.

On motion of Mr. Johnson, Council Concurrent Resolution No. 2 was reconsidered, and referred to the committee on judiciary.

Council resolved itself into committee of the whole.

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

House Joint Resolution No. 4 considered, amended, and reported back.

Committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration House Joint Resolution No. 4, and amended the same.

Report and amendments adopted, and resolution ordered engrossed.

On motion, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 P. M.
President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President.
Absent—Mr. Wilmot.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole, for the consideration of Council Bill No. 13.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Council Bill No. 13 considered, amended, and reported back, with recommendation that the amendments be adopted.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee has had under consideration Council Bill No. 13, and amended the same by rejecting the amendments reported by the committee on roads and highways, and adopting those reported by the judiciary committee, and by the addition of a clause, exempting Boise county from the provisions of the act.

Report adopted.

On motion of Mr. Johnson, the rules were suspended, amendments adopted, and bill ordered engrossed.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, December 30, 1880.

To the Honorable President of the Council,

Sir: I have this day approved Council Bill No. 5. entitled An act to provide for the establishment and maintenance of graded schools in the city of Lewiston.

Very respectfully,
Your ob't servant,
J. B. NEIL, Governor.

On motion the substitute for Council Bill No. 4 was ordered engrossed.

Mr. Anderson in the chair.

On motion of Mr. Hailey, the vote by which House Joint Resolution No. 4 was ordered engrossed was reconsidered.

Mr. Hailey moved a reconsideration of the vote by which the amendments to House Joint Resolution No. 4 were adopted.

The ayes and nays were demanded by Mr. Dilley.

Ayes—Messrs. Anderson, Cobb, Cowen, Johnson, Morrison, Peck, and Mr. President—7.

Nays—Messrs. Budge, Dilley, Murray, Poe, and Wilmot—5.

So the vote was reconsidered.

Mr. Hailey moved that the Council resolve itself into committee of the whole for the further consideration of House Joint Resolution. Carried.

COMMITTEE OF THE WHOLE.

Mr. Anderson in the chair.

Resolution considered, amended, reported back, and passage recommended.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration House Joint Resolution No. 4, and amended the same, and recommends its passage as amended.

Report adopted.

On motion the Council adjourned until 10 o'clock A. M., Friday, Dec. 31, 1880.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

NINETEENTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Dec. 31, 1880.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley,

Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the chaplain.

Journal of yesterday read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

ROOMS OF THE JUDICIARY COMMITTEE,
December 31, 1880.

Mr. President: The judiciary committee, to whom was referred the message of the Governor, returning C. J. R. No. 2, substitute, to provide for the examination of the penitentiary by a joint committee of the two Houses, and making an appropriation therefor, have had the same under consideration, and respectfully report that it is within the province of the Legislature to examine into the condition of the Territorial prisoners, and also into the condition of the prison where they are kept; and that, in the opinion of the committee, was all that was contemplated or authorized by the resolution returned.

But, as the word "Territorial" was omitted from the resolution before the word "prisoners," the committee recommend that the Council concur in the Governor's objections.

JOHNSON, Chairman.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

Mr. President: Your committee on engrossed bills have carefully examined C. B. No. 16, "An act to create and organize the county of Custer," and report the same correctly engrossed.

COBB, Chairman.

REPORTS FROM SELECT COMMITTEES.

Mr. President: Your committee, to whom was referred House Bill No. 11, would respectfully report the same back, with a recommendation that it do pass.

MORRISON,
PECK.

Mr. President: Your special committee, the delegation from Boise county, to whom was referred H. B. No. 13, a bill for "An act to extend the powers of the board of county commissioners of Boise county, relating to road contracts," beg leave to report that they have had the same

under consideration, and report the same back to the Council, with the recommendation that the same do pass.

MURRAY.

Council Joint Resolution No. 2, on motion of Mr. Johnson, was taken up and considered.

The question being, Shall the bill pass, notwithstanding the objections of the Governor?

Ayes and nays were taken, as follows:

Ayes—none.

Nays—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, Mr. President—11.

Absent—Anderson.

So the objections of the Governor to C. J. Res. No. 2, was sustained.

House Joint Resolution No. 4 taken up.

Mr. Johnson moved a call of the Council.

Call made. All present.

Resolution read third time, and the question being, Shall the resolution pass?

The ayes and nays were taken as follows:

Ayes—Anderson, Cobb, Cowen, Johnson, Morrison, Peck, Wilmot, Mr. President—8.

Nays—Budge, Dilley, Murray and Poe—4.

So the resolution passed.

C. B. No. 16, "An act creating the county of Custer," was taken up, read third time and passed, by the following vote:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

H. B. No. 11. "An act repealing act incorporating Franklin City, Oneida county," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

H. B. No. 13, "An act to extend the powers of county commissioners of Boise county," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

On motion of Mr. Dilley, leave of absence was granted John A. Ethell, assistant chief clerk of the Council, until Tuesday, January 4, 1881.

On motion of Mr. Johnson, Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 P. M.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson and Dilley.

The President laid before the Council a communication from the Executive Department.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, Dec. 31, 1880.

To the Hon. President of the Council,

Sir: Herewith I transmit a communication addressed to me by Robert E. Strahorn, Esq., with the request that it be submitted to the body over which you preside. Mr. Strahorn proposes the preparation of an immigration pamphlet for the Territory, provided no citizen of the Territory can be found who will undertake the important work.

There is no person more competent or having better facilities for this work, and I request for his proposal courteous consideration. My views upon this subject are fully set out in the communication delivered at the opening of your session, and it is unnecessary to add anything to the recommendations then submitted.

Very respectfully, your ob't s'v't,
J. B. NEIL, Governor.

The accompanying documents relating to the preparation and distribution of matters concerning the "resources and attractions of Idaho Territory," was, upon motion, referred to the committee on judiciary.

Mr. Wilmot introduced Council Bill No. 24, "An act authorizing the county officers of Idaho Territory to receive county warrants for county taxes."

Read first and second times, and referred to the committee on judiciary.

The committee on agriculture reported as follows:

Mr. President: Your committee, to whom was referred House Bill No. 33, have had the same under consideration,

and beg leave to report the same back, with recommendation that it pass.

I. B. COWEN, Chairman.

The committee on enrolled bills presented the following report:

Mr. President: Your committee on enrolled bills beg leave to report that they have examined Council Bill No. 12, relating to stock districts in the county of Bear Lake, and found the same to be correctly enrolled.

BUDGE, Chairman.

House Bill No. 33, "An act relating to sheep in Bear Lake County," was taken up, read third time, and passed by the following vote:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, and Mr. President—9.

Nays—Messrs. Poe and Wilmot—2.

Absent—Dilley.

The President announced that he was about to sign House Memorial No. 2, and Council Bill 12.

On motion, the Council took a recess until 3:15 P. M.

AFTERNOON SESSION.

Council met at 3.15 P. M.

The President in the chair.

ROLL CALL.

All present except Messrs. Dilley and Wilmot.

The committee on judiciary presented the following report:

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 24, "An act entitled an act authorizing the county officers of Idaho Territory to receive county warrants for county taxes," and House Bill No. 21, "An act granting leave of absence from this Territory to Willard Crawford," have had the same under consideration, and respectfully report them back, with the recommendation that they do not pass.

JOHNSON, Chairman.

The committee on enrolled bills presented the following report:

Mr. President: Your committee on enrolled bills, beg leave to report that they have presented Council Bill No. 12, relating to stock boards, and an annual round up of cattle in the county of Bear Lake, to the Governor this day at 2:45 P. M., for his approval.

BUDGE, Chairman.

House Bill No. 21 was taken up, and on motion of Mr. Johnson, the bill was indefinitely postponed.

Council Bill No. 24 was taken up, and on motion of Mr. Johnson the bill was indefinitely postponed.

On motion of Mr. Johnson, at 3:30 P. M., the Council adjourned until Monday, January 3, 1881, at 10 o'clock A. M., being 22d day.

JOHN HAILEY,
President of the Council.

J. H. WICKERSHAM, Chief Clerk.

TWENTY-SECOND DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 3, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Peck, Poe, Wilmot and Mr. President.

Absent—Murray.

Prayer by the chaplain.

Journal of yesterday read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Cobb, from the committee on finance, presented the following report:

Mr. President: Your committee on finance, together with the committee on ways and means of the House, have examined the books and accounts of the Territorial treasurer and controller, and it is the opinion of the majority of your committee that it would be advisable to employ an expert to examine into the affairs of treasurer and controller.

There are apportionments, and various other things with which your committee are wholly unacquainted with, and should be looked into: for these reasons your committee would respectfully ask that they have the assistance of a competent expert to assist in such examination.

COBB, Chairman.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

Mr. President: Your committee on engrossed bills have examined Council Bill No. 13, and substitute for Council Bill No. 4, and would respectfully report the same correctly engrossed. COBB, Chairman.

BILLS ON THIRD READING.

Council Bill No. 4, An act to allow valuable stallions and unemasculated jackasses kept for breeding purposes, to run at large, with the brands of their owner or owners, was taken up. Read third time, and passed by the following vote:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot and Mr. President—12.

Nays—none.

Council Bill No. 13, An act regulating, roads, highways, trails and public thoroughfares in Idaho Territory, was taken up.

Read third time, and passed by the following vote:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

On motion of Mr. Johnson, the Council took a recess until 2 P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 P. M.

ROLL CALL.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

INTRODUCTION OF MEMORIAL.

Mr. Cobb, by leave, introduced Council Memorial No. 2, relating to the reclamation of lands bordering on Snake river.

Read first and second times, and referred to the committee on Territorial affairs.

INTRODUCTION OF RESOLUTION.

Mr. Dilley, by leave, introduced Council Joint Resolution No. 4, authorizing the committee on finance of the Council, and the committee on ways and means of the House of Representatives, to employ an expert to assist them in

examining the accounts of the Territorial controller and treasurer.

Read first and second times, and referred to the committee on Territorial affairs.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 3, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has respectfully refused to concur in Council amendments to House Joint Resolution No. 4.

Also that the House of Representatives has had under consideration, and passed House Memorial No. 4 to the Hon. Postmaster General of the United States of America, and respectfully ask the concurrence of the Council therein.

Respectfully,
T. D. CAHALAN, Chief Clerk.

House Memorial No. 4 was taken up, read first and second times, and referred to the committee on mails and mail facilities.

Mr. Johnson moved that the Council adhere to its amendments to House Joint Resolution No. 4.

Ayes and nays demanded.

Ayes—Messrs. Budge, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President—8.

Nays—Messrs. Anderson, Cobb, Cowen, and Morrison—4.

So the Council adhered to its amendments.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 3, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has instructed me to request your Honorable body to return to the House, House Joint Resolution No. 2, relating to the appointment, of a joint committee from both Houses to visit the Territorial prison, the same having originated in the House of Representatives, and the House being entitled to the possession thereof.

Respectfully,
T. D. CAHALAN, Chief Clerk.

On motion of Mr. Johnson, the Chief Clerk of the Council was instructed to return to the House of Representa-

tives, House Joint Resolution No. 2, in accordance with the request of the House, together with the Council substitute therefor, and the Governor's message in relation thereto.

Mr. Cowen, by leave, presented the following report:

Mr. President: The delegation from Shoshone county, to whom was referred House Bill No. 8, and House Bill No. 20, has had the same under consideration, and beg leave to report the same back, with the recommendation, that they do pass.

COWEN, Chairman.

Rules suspended. House Bill No. 8 read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Rules suspended. House Bill No. 20 read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Mr. Cowen—1.

Nays—Messrs. Anderson, Budge, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot and Mr. President—10.

Absent—Mr. Cobb.

So the Council refused to pass the bill.

On motion, the Council adjourned until 10 o'clock A. M., Tuesday, Jan. 4, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

TWENTY-THIRD DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 4, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Johnson, Morrison, Murray, Poe, Wilmot and Mr. President.

Absent—Messrs. Anderson, Dilley, and Mr. Peck.

Prayer by the chaplain.

Journal of yesterday read and approved.

The President appointed Mr. Budge as a member of the joint standing committee on printing, provided for in Rule 15 of the Joint Rules of the Council and House of Representatives.

INTRODUCTION OF BILL.

Mr. Cowen, by leave, introduced the following Council Bill:

Council Bill No. 25, An act to authorize the transfer of certain moneys to the general fund in Shoshone county, and to cancel the indebtedness of said fund to the school fund of said county.

Read first and second times, and referred to the committee on judiciary.

REPORTS OF STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

COUNCIL CHAMBER,
January, 4, 1881.

Mr. President: The judiciary committee, to whom was referred H. C. R. No. 5, have had the same under consideration, and respectfully report that the resolution provides for a joint committee of the two Houses, and makes it the duty of such committee to compile all laws that have been amended, and provides that "all laws that have been amended shall have the amendments embodied in the proper place in the laws." This would make necessary the publication in full of all laws that have been amended, and would involve almost as much expense as the publication of a thorough revision of our statutes, and would be of very little comparative value. The resolution referred to the committee seems to confound a compilation with a revision of our statutes. A compilation—such as it was—was published in 1875, and the committee is of the opinion that a compilation, however thorough and complete, is not worth the cost of publication.

A thorough revision cannot be made during the legislative session, and if made, could neither be engrossed or enrolled during the time to which we are limited. Such a work must be prepared between sessions, and be submitted to the succeeding legislature.

Your committee are of the opinion, for many reasons,

that such a work is necessary, and therefore respectfully report back a substitute for H. C. R. No. 5, with the recommendation that the substitute pass.

JOHNSON, Chairman.

Mr. Anderson, from the committee on counties and county boundaries, presented the following report:

COUNCIL CHAMBER, Jan. 5, 1881.

Mr. President: Your committee on counties and county boundaries, to which was referred House Bill No. 16, "An act regulating the salary of certain officers of Washington county," have had the same under consideration, and report it back, and recommend the passage of the same.

ANDERSON, Chairman.

House Concurrent Resolution No. 5 taken up, and substitute reported by the committee on judiciary, adopted.

Substitute read a third time, and placed upon its final passage.

The question being, Shall the substitute pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Dilley.

So the substitute passed.

House Bill No. 16, "An act regulating the salary of certain officers in Washington county," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Dilley.

So the bill passed.

At 10:35 A. M. the President announced that he was about to sign House Memorial No 1, and House Bills Nos. 13 and 33.

Mr. Poe, from the committee on Territorial affairs, by leave, presented the following report:

Mr. President: Your committee on Territorial affairs, to whom was referred Council Joint Resolution No. 5, authorizing the committee on finance of the Council, and the co n-

mittee on ways and means of the House, to employ some competent person as an expert to assist them in making a thorough examination of the accounts of the Territorial Controller and Treasurer, respectfully report the same back, with amendment, and recommend the adoption thereof as amended.

POE, Chairman.

On motion of Mr. Poe, the Council resolved itself into committee of the whole, for the consideration of Council Joint Resolution No. 5.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Council Joint Resolution No. 5 considered, and its passage recommended as amended by the committee on Territorial affairs.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council Joint Resolution No. 5, and recommends the passage of the same as amended by the committee on Territorial affairs.

Report and amendments adopted, and the resolution ordered engrossed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Dilley.

On motion of Mr. Anderson, the vote by which House Bill No. 16 was passed, was reconsidered.

Mr. Anderson moved to amend Section 5 of House Bill No. 16, by striking out all after the word "the" in third line, and substituting instead thereof the words "date of its passage."

REPORTS OF STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

COUNCIL CHAMBER,
January 4, 1881.

Mr. President: The judiciary committee, to whom was referred C. B. No. 25, "An act to authorize the transfer of certain moneys to the general fund in Shoshone county, and to cancel the indebtedness of said fund to the School fund of said county," have had the same under consideration, and, from the facts represented to them by the Hon. member from that county and shown by the report of the Territorial supt. of public instruction, your committee are satisfied that an exceptional state of things exists in Shoshone county, that justify the transfer of funds as provided in said bill. Your committee therefore respectfully recommend the passage of the bill.

JOHNSON, Chairman.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

Mr. President: Your committee on engrossed bills, have carefully examined Council Joint Resolution No. 5, and respectfully report the same correctly engrossed.

COBB, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, January 4, 1881.

To the Honorable President of the Council,

Sir: Herewith I return, without my approval, Council Bill No. 12, "To provide for stock districts in the county of Bear Lake, Idaho Territory, for creating stock boards for such districts, and for the 'round up' of cattle."

My reasons for this action are as follows:

1st. By section 11 of the bill, all stock remaining unclaimed after the general "round up," provided for in section 10, is declared the property of the county, if unclaimed before the expiration of thirty days, and the sale of such stock is directed.

This, I think, is undertaken to be done without sufficient notice of a public nature, directing the owners of such stock to appear and prove property. It is doubtful whether this proviso would stand a test in the courts, as it is a well settled principle of law that interest in property cannot be

forfeited without due notice of a public character. I would therefore suggest that the published notice of sale provided for in section 11 contain also a notice to the owner or owners of estrays to appear and prove ownership, either before or on the day appointed for the sale.

2nd. The provision whereby the proceeds of such sales are directed to be turned into the general school fund is a very good one, but as the time within which owners may appear to claim stray stock must necessarily be short, owing to the expense of keeping and feeding cattle in Bear Lake county, during the winter season especially, it would seem proper to give an owner a reasonable time after the proceeds derived from an estray sale have been turned into the treasury, within which to appear, and after submitting satisfactory evidence of ownership, be permitted to recover the net amount received from such sale.

I have made my objections in the nature of suggestions, and if the bill be made to conform thereto, it will receive my approval.

Very respectfully,
Your ob't serv't,
J. B. NEIL, Governor.

On motion of Mr. Anderson, Council Bill No. 12, and the Governor's message in relation thereto, were made the special order for Wednesday, Jan. 5, 1881, after the call of the regular order of business.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 4, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has passed H. B. No. 14, "An act relating to poll taxes." Also H. B. No. 24, An act fixing the salaries of certain officers in Oneida county. Also H. B. No. 29, An act relating to insurance companies. Also House Substitute for C. B. No. 2, concerning rights of way, easements, and other necessary means for the development of mines, etc., and respectfully request the concurrence of the Council thereto.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 4, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under

consideration C B. No. 11, "An act to provide a code of civil procedure for Idaho Territory," and have amended section 867 of said bill by striking the said section out, and substituting and adopting a new section, and respectfully ask the concurrence of the Council to said amendment.

Respectfully,

T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No. 29, relating to insurance companies, was taken up, read first and second times, and referred to the committee on incorporations.

House Substitute for Council Bill No. 2, concerning rights-of-way, easements, and other means for the development of mines, was read first and second times, and passed to the general file.

On motion of Mr. Anderson, the chief clerk was instructed to request the House of Representatives to return to this House the original Council Bill No. 2.

House Bill No. 14, An act to amend an act entitled "An act to provide a uniform system of Territorial and county revenue, and for the assessing andcollecting of the same," was read first and second times, and referred to the committee on judiciary.

House Bill No. 24, An act fixing the salaries of certain officers in Oneida county, was read first and second times, and referred to the committee on judiciary.

Council Bill No. 11, "An act to establish a code of civil procedure for Idaho Territory," was taken up, and the House amendment thereto was read and referred to the committee on judiciary.

BILL ON THIRD READING.

Council Joint Resolution No. 5, authorizing the joint committees, of the Council and House of Representatives, appointed to examine the accounts of the Territorial controller and treasurer, to employ an expert, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the resolution pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—10.

Nays—Mr. Johnson—1.

Absent—Mr. Dilley.

So the resolution passed.

On motion of Mr. Cowen, Council Bill No. 25, providing

for the transfer of certain moneys to the general fund in Shoshone county, was considered, engrossed.

On motion of Mr. Anderson, Council Bill No. 2, concerning rights-of-way, easements, etc., was taken up, and the House amendment thereto was concurred in.

House Bill No. 16, regulating the salary of certain officers in Washington county, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr President—11.

Nays—none.

Absent—Mr. Dilley.

So the bill passed.

Mr. Johnson, from the committee on judiciary, by unanimous consent, reported back Council Bill No. 11, and recommended that the Council concur in the House amendment thereto.

Amendment concurred in.

On motion of Mr. Anderson, the vote by which Council Bill No. 12, and the Governor's message in relation thereto, were made the special order for January 5, 1881, was reconsidered, and the bill and message were taken up for consideration.

The question being, Shall the bill pass, notwithstanding the objections of the Governor?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Johnson, Murray, Peck and Poe—7

Nays—Messrs. Cowen, Morrison, Wilmot, and Mr. President—4.

Absent—Mr. Dilley.

So the Council refused to pass the bill notwithstanding the objections of the Governor.

On motion, the Council adjourned until 10 o'clock A. M. Wednesday Jan. 5, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

TWENTY-FOURTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 5, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President

Prayer by the chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Dilley, by leave, introduced the following Council Bill:

Council Bill No. 26, An act to provide for branch county jails in Alturas county.

Read first and second times, and referred to the committee on judiciary.

Mr. Budge, by leave, introduced the following Council Bill:

Council Bill No. 27, An act to provide for stock districts in the county of Bear Lake in Idaho Territory, for creating stock boards for such districts, and for the round up of cattle.

Read first and second times, and referred to the committee on judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. Dilley, from the committee on mails and mail facilities, presented the following report:

Mr President: Your committee on mails and mail facilities, to whom was referred House Memorial No. 4, "To the Honorable Postmaster General of the United States of America," praying that route No. 42,111, from Weiser Bridge to Indian Valley, be increased from a weekly to a tri-weekly, have had the same under careful consideration, and respectfully report the same back, and recommend its passage.

DILLEY, Chairman.

BILLS ON THIRD READING.

Council Bill No. 25, "An act to authorize the transfer of certain moneys to the general fund in Shoshone county,

and to cancel the indebtedness of said fund to the school fund of said county, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley. Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr President—12.

Nays—none.

So the bill passed.

House Memorial No. 4, relating to mail service from Weiser Bridge to Indian Valley, was taken up, read a third time. and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowan, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr President—12.

Nays—none.

So the Memorial passed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, to which was referred Council Bill No. 27, relating to the creation of stock districts and the round up of cattle in the county of Bear Lake, reported the same back with amendments, and recommended its passage as amended.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 5, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed C. B. No. 16, An act organizing the County of Custer. Also H. B. No. 39, An act to amend an

act entitled An act to create the County of Bear Lake, approved Jan. 5, 1875, which are herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES.
BOISE CITY, I. T., Jan. 5, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has appointed Messrs. Garrett, Pefly and Hart a committee of conference upon part of the House, to adjust differences and disagreements to House Joint Resolution No. 4, and request your Honorable body to appoint a like committee.

Respectfully,
T D. CAHALAN, Chief Clerk.

HOUSE BILL.

House Bill No. 39, an act to amend an act entitled "An act creating and organizing the County of Bear Lake," approved Jan. 5, 1875, was taken up, read first and second times, and referred to the committee on counties and county boundaries.

GENERAL FILE.

Council Bill No. 27, relating to the creation of stock districts and the round up of cattle in Bear Lake county, was taken up, and on motion of Mr. Johnson, the rules were suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot and Mr. President—12.

Nays—none.

So the bill passed.

On motion of Mr. Johnson, the chair was directed to appoint a conference committee of three to receive any communication the conference committee of the House of Representatives may have to make with reference to the adjustment of the differences and disagreements to House Joint Resolution No. 4.

The chair appointed Messrs. Johnson, Poe, and Anderson as such committee.

On motion of Mr. Anderson, the Council took a recess until 3:05 P. M.

The Council resumed its session at 3:05 P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Mr. Johnson, from the committee on conference, reported that at a conference of the committees of the two Houses, the House committee reported that it had no communication to make. The committee, therefore, asked to be discharged.

On motion of Mr. Budge, the report was accepted, and the committee discharged.

On motion of Mr. Johnson, the Council took a recess until 4:08 P. M.

The Council resumed its session at 4:08 P. M.

President Hailey in the chair.

ROLL CALLED

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Mr. Johnson, from the committee on judiciary, by unanmous consent, presented the following report:

COMMITTEE ROOMS,
January 5, 1881

Mr. President: The judiciary committee, to whom was referred H. B. No. 24, "An act fixing the salaries of certain officers in Oneida county," have had the same under consideration, and respectfully recommend that the bill be amended as follows:

I. Amend section 4 by inserting after the word "fees" in third line, the words "where the same are by law a "charge against the county."

II. Amend section 5 by striking out the words "services for and in behalf of said county of Oneida," and inserting in lieu thereof the words, "actual attendance upon the sessions of the board."

III. Further amend section 5 by striking out the words "each way," in line twelve, and inserting in lieu thereof the words "for each mile necessarily traveled in going to and returning from the county seat to attend regular or special sessions of the board; but no mileage shall be received for attending any adjourned session, nor more than one mileage to each member for any regular or special session."

IV. Substitute for section 7 the following:

Section 7. All acts and parts of acts in conflict with this act shall not apply to Oneida county.

And your committee recommend that said bill as so amended do pass.

JOHNSON, Chairman.

Amendments adopted.

On motion of Mr. Johnson, the rules were suspended, House Bill No. 24 read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. ANDERSON, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 5, 1881.

Mr. President: I am directed to inform your Honorable body, that the House of Representatives, by the act of appointing a conference committee to confer with a like committee of the Council, in regard to the disagreement to the amendments to House Joint Resolution No. 4, thereby authorized said committee under Rule 1st of the Joint Rules, to confer freely thereupon.

Respectfully,
T. D. CAHALAN, Chief Clerk.

On motion of Mr. Johnson, the Chair was authorized to appoint a committee of three to meet with a like committee from the House of Representatives, in free conference upon the disagreements as to the amendments to House Joint Resolution No. 4.

The chair appointed as such committee Messrs. Johnson, Poe, and Anderson.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills, have examined House Substitute for Council Bill No. 2, relating to rights-of-way, easements, and other necessary means for the development of mines, and beg leave to report that they have found the same correctly enrolled.

BUDGE, Chairman.

On motion, the Council adjourned until 10 o'clock A. M., Thursday, Jan. 6, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

TWENTY-FIFTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 6, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Cobb, Cowen, Dilley Johnson, Morrison, Murray, Peck, Wilmot, and Mr. President.

Absent—Messrs. Anderson, Budge, and Mr. Poe.

Prayer by the chaplain.

Journal of yesterday read and approved.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 5, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, and adopted Council Substitute to H. J. Resolution No. 5, relating to the revision of Territorial statutes. Also has had under consideration Council amendment to H. B. No. 16, and concurred in the same. Has also passed H. B. No. 35, an act relating to district attorneys, which is herewith transmitted, and respectfully ask the concurrence of the Council to latter named bill.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 5, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, and passed C. B. No. 25, relating to school and general funds in Shoshone county, which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No. 35, "An act amending an act relating to district attorneys and defining their duties," approved Jan. 14, 1875,

Was taken up, read first and second times, and referred to the committee on judiciary.

At 10:20 A. M., the president announced that he was about to sign House substitute for Council Bill No. 2, an act relating to rights-of-way, easements, and other necessary means for the development of mines.

Mr. Poe, from the committee on Territorial affairs, by leave, presented the following report:

Mr. President: Your committee on Territorial affairs, to whom was referred Council Memorial No. 2, report the same back with a substitute therefor, and very respectfully recommend the passage of the substitute.

POE, Chairman.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills, beg leave to report that they have presented House substitute for Council Bill No. 2, relating to rights-of-way, easements, etc., for the development of mines, to the Governor this day, at 10:25 A. M., for his approval.

BUDGE, Chairman.

On motion of Mr. Cobb, the Council took a recess until 11:12 A. M.

The Council resumed its session at 11:12 A. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Morrison, Murray, Peck, Wilmot, and Mr. President.

Absent—Messrs. Anderson, Dilley, Johnson, and Poe.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 6, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and indefinitely postponed, C. J. Resolution No. 5, relating to the appointment of an expert to examine the Treasurer's and Controller's books, which is herewith transmitted.

Respectfully,

T. D. CAHALAN, Chief Clerk.

On motion of Mr. Cowen, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M. President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

INTRODUCTION OF BILLS.

Mr. Cobb, by leave, introduced the following Council Bill:

Council Bill No. 28, An act to amend an act entitled, "An act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," approved Jan. 15, 1875.

Read first and second times, and referred to the committee on finance.

On motion of Mr. Poe, the substitute for Council Memorial No. 2, relating to the reclamation of lands bordering on Snake river, was re-referred to the committee on Territorial affairs.

Mr. Johnson, from the committee on judiciary, by leave, presented the following report:

COUNCIL CHAMBER,
January 6, 1881.

Mr. President: The judiciary committee, to whom was referred C. B. No. 26, "An act to provide for branch county jails in Alturas county," have had the same under consideration, and herewith respectfully report a substitute therefor, and recommend the passage of the substitute.

JOHNSON, Chairman.

Substitiute for Council Bill No. 26 read and adopted.

On motion of Mr. Dilley, the rules were suspended, substitute considered, engrossed, and read a third time.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole, for the further consideration of the substitute for Council Bill No 26.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Substitute considered and passage recommended.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration the substitute for Council Bill No. 26, and recommends the passage of the same.

Report adopted.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion of Mr. Cobb, the Council took a recess until 3:17 P. M.

The Council resumed its session at 3:17 P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Dilley, Morrison, Murray, Peck, Wilmot, and Mr. President.

Absent—Messrs. Anderson, Cowen, Johnson and Poe.

On motion of Mr. Wilmot, the Council took a recess until 4 o'clock P. M.

The Council resumed its session at 4 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 6, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. B. No. 43, an act to disincorporate Franklin City, in Oneida county; also H. M. No. 5, relating to mail service in Alturas county; which are herewith transmitted, and respectfully ask the concurrence of the Council thereto.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House bill No. 43, "An act to repeal an act entitled An act to incorporate Franklin City, in Oneida county," approved Jan. 10, 1873, was taken up, read first and second times, and on motion of Mr. Johnson, laid on the table.

House Memorial No. 4, relating to mail service in the Wood river district, Alturas county, was taken up, read first and second times, and referred to the committee on mails and mail facilities.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
January 6, 1881.

Mr. President: The judiciary committee, to whom was referred H. B. No. 14, "An act to amend an act entitled An act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," have had the same under consideration, and the majority of the committee respectfully report the same back, with the recommendation that it do not pass.

From this recommendation Mr. Poe dissents.

JOHNSON, Chairman.

House Bill No. 14 was taken up for consideration, and on motion of Mr. Cobb, made the special order for Friday, Jan. 7, 1881, after the call of the regular order of business.

On motion, the Council adjourned until 10 o'clock A. M. Friday, Jan. 7, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

TWENTY-SIXTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 7, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson and Budge.

Prayer by the chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF MEMORIAL.

Mr. Johnson, by leave, introduced Council Memorial No. 3, relating to an increase of the military force at Fort Boise.

Read first and second times, and referred to the committee on military affairs.

REPORTS OF STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

COUNCIL CHAMBER,
January 7, 1881.

Mr. President: The judiciary committee, to whom was referred C. B. No. 22, "An act creating the office of district attorney for each of the organized counties of Idaho Territory, and defining their duties and compensation," have had the same under consideration, and herewith report the same back, and respectfully recommend the passage of the bill.

JOHNSON, Chairman.

Mr. Cobb, from the committee on finance, presented the following report:

Mr. President: Your committee on finance, to whom was referred Council Bill No. 28, "An act to amend an act entitled an act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," approved January 15, 1875, beg leave to report the same back to the Council, and recommend its passage.

COBB, Chairman.

Council Bill No. 28, reported by the committee on finance, was referred to the committee of the whole.

Mr. Dilley, from the committee on mails and mail facilities, presented the following report:

Mr. President: Your committee on mails and mail facilities, to whom was referred House Memorial No. 4, in relation to mail service from Wood River to Salmon Falls P. O. and Mountain Home P. O., in the county of Alturas, have had the same under careful consideration, and would respectfully report the same back to the Council, and recommend its passage.

DILLEY, Chairman.

At 10:21 A. M. the President announced that he was about to sign Council Bill No. 16, "An act to create and organize the county of Custer."

On motion of Mr. Cobb, the Council resolved itself into committee of the whole, for the consideration of Council

Bill No. 28, An act providing for a uniform system of Territorial and county revenue.

COMMITTEE OF THE WHOLE.

Mr. Peck in the chair.

Committee arose.

IN COUNCIL.

President Hailey in the chair.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, January 7, 1881.

To the Honorable President of the Council:

Sir: I have this day approved Council Bill No. 2, "To amend an act entitled An act concerning rights-of-way, easements, and other necessary means for the development of mines," approved January 12, 1877.

Very respectfully,
Your ob't servant,
J. B. NEIL, Governor.

COMMITTEE OF THE WHOLE.

Mr. Peck in the chair.

Council Bill No. 28, considered, progress made, and leave asked to sit again.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council Bill No. 28, made progress, and asks leave to sit again.

Report adopted.

GENERAL FILE.

Council Bill No. 22, "An act creating the office of District Attorney for each of the organized counties of Idaho Territory, and defining their duties and compensation," was taken up, and on motion of Mr. Johnson, the rules were suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Wilmot, and Mr. President—10.

Nays—Messrs. Cobb, and Poe—2.

So the bill passed.

House Memorial No. 4, relating to mail service in the Wood River district, Alturas county, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot and Mr. President—12.

Nays—none.

So the Memorial passed.

On motion of Mr. Poe, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

On motion of Mr. Johnson, the Council resolved i self into committee of the whole for the consideration of House Bill No. 14, "An act to amend an act entitled an act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," which was made the special order for this hour.

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

Bill considered, and its indefinite postponement recommended.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration House Bill No. 14, and recommends its indefinite postponement.

Report adopted.

The question being, Shall the bill be indefinitely postponed?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Johnson, Morrison, Peck, and Mr. President—7.

Nays—Messrs. Budge, Dilley, Murray, Poe, and Wilmot—5.

So the bill was indefinitely postponed.

Mr. Poe, from the committee on Territorial affairs, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 6, 1881.

Mr. President: Your committee on Territorial affairs, to whom was referred C. M. No. 2, in relation to the reclamation of certain desert lands bordering Snake river, in the south and southeast portion of this Territory, have had said Memorial under consideration, and hereby report the same back, with a substitute therefor, and very respectfully recommend that the substitute do pass.

POE, Chairman.

Council Memorial No. 2, relating to the reclamation of lands bordering on Snake river, was taken up, and the substitute therefor, reported by the committee on Territorial affairs, was read, adopted, and ordered engrossed.

At 2:25 P. M. the President announced that he was about to sign Council substitute for House Joint Resolution No. 2; Council substitute for House Concurrent Resolution No. 5; House Memorial No. 4; and House Bills Nos. 8 and 16.

Mr. Anderson, from the committee on counties and county boundaries, by leave, presented the following report:

COUNCIL CHAMBER,
Jan. 7, 1881.

Mr. President: Your committee on county and county boundaries, to whom was referred House Bill No. 39, "An act to amend an act entitled an act creating and organizing the county of Bear Lake," approved January 5th, 1875, have had the same under consideration, and respectfully submit the following report thereon:

Your committee discover that this bill has the same title, substantially, and is designed to accomplish the same object contained in the provisions of a bill which, having passed in the House of Representatives, was communicated to this body at an early day of the present session. The minutes of the Council show that the former bill, designated as House Bill No. 7, passed in this House on the 23d day of December, 1880, in the precise terms, and in the form in which it had already passed the branch where it originated.

The subsequent history of that bill is not within the official knowledge of your committee; and it is not deemed the province of the Council to take cognizance of the course of proceedings which may have been taken upon it by the co-ordinate department entrusted with the legislative power in this Territory. We are bound by a well-known principle to presume that the powers of public officials, tribunals and bodies politic, are duly and properly exercised. At any rate, each branch of the Legislative Assembly is the exclusive judge of its own powers, and as to its own course of proceeding. It is, therefore, not within the functions of this House, to inquire as to what has been the fate of the bill which passed in the House of Representatives, and was concurred in by the Council, at the time hereinabove mentioned.

Your committee have thought it proper to say so much, in order to disengage the consideration of the bill now in hand from any complications with the former measure.

Having heretofore said that House Bill 39 bears the same title, and is designed to accomplish the same object as House bill No. 7, your committee ask to be indulged with a reference to such matters as have come under their observation, and to those which influenced their action in recommending the passage of the bill at a former time.

When that bill was under consideration, your committee was advised by the entire delegation from Oneida and Bear Lake counties in the Council, that the bill was the result of conflicting views, and was the fruit of a compromise of matters in difference between the members from those counties. The very fact that it was the result of a compromise, perhaps commended the bill to our more favorable consideration. However this may be, your committee were informed that the bill would be supported by the votes of all the members of this body from the two counties, and upon the final passage thereof, we believe that this assurance was fully verified. Your committee at that time were unable to discover, and are now so far as this bill is concerned, are unable to realize, that any principle of public policy, involving the interests of the Territory, stood or now stands in the way of the measure, which was so recommended by the representatives of the counties concerned. It was simply to add a piece of Territory comprising about the 1-20th, one twentieth, part of a large county to the smallest county in Idaho Territory.

At the date of the introduction of the former bill, the

proceedings of the legislative bodies were being published in several newspapers in the City of Boise, and it is venturing nothing rash when we assume that the nature of this suggested legislation, has long since become known to people of those counties.

Your committee have, since this bill has come to their hands, taken some pains to ascertain whether there have been any complaints from the citizens of either, or whether there have been any remonstrances, petitions or letters addressed to either House, or to any members thereof, against the measure, or the object contemplated by the bills under review, from the people resident in the counties concerned. So far, your committee have been unable to learn of any opposition from any such persons, or from any quarter, if we except the writers of a few private letters, residing in the northern part of Oneida. The opposition made in these letters, according to the information of your committee, is based alone upon the desire of the writers to have created a new county about six or seven times as big as Bear Lake, and to absorb in such new county the very same part of the public domain which it is proposed by this bill to cede to the small county of Bear Lake.

Your committee are therefore unable to see that the representatives referred to are to be suspected of supporting and voting in favor of a measure in violation of their obligations to their constituents, or in antagonism to the public sentiment or wishes of the people; nor can they see that by its adoption any injustice is done to the people of any other portion of the Territory.

Your committee have, however, gone beyond the simple consideration of the wishes of the representatives, or of the people of those two counties. The governing principles of economy, of public and private convenience for intercourse with the county seat, and of area or territorial extent, have also had our careful attention. In making these civil divisions of States and Territories regard is, or should always be, had to the convenience and facility of access by the citizens to the seat of the county government, for the transaction of the manifold duties which devolve upon them. We are convinced that the county seat of Bear Lake county is more accessible to the residents. It is true, that the weight of this consideration is sometimes overborne by some other, founded in justice or the obligation of contracts. Such is the case, for example, where a heavy indebtedness rests upon the county proposed to be dismantled, the hold-

ers or payees of which would be injured by the cession of a large part of the county domain. In the present case we have the assurance that no impairment of the value of the securities in the hands of the creditors of Oneida can result from the passage of this measure. And we may specially notice and call attention to the clause in the present bill, for the ascertainment and payment of the due proportion of the indebtedness of said county by the county of Bear Lake.

For these reasons, we are unable to appreciate any cause for interposing the legislative will against what appears to be the general wish of the people concerned, as expressed through their representatives. And your committee therefore respectfully report the bill back, and recommend its passage.

ANDERSON, Chairman.

On motion of Mr. Peck, the rules were suspended, House Bill No. 39 read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—Mr. Morrison—1.

So the bill passed.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills beg leave to report that they have examined, and find correctly enrolled Council Bill No. 16, relating to the creation of the County of Custer, and have this day, at 12 M., presented the same to the Governor for his approval.

BUDGE, Chairman.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 7, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, Council amendments to House Bill No. 24, "An act relating to fees of officers of Oneida county," and adopted the same.

Respectfully,
T. D. CAHALAN, Chief Clerk.

Mr. Johnson, by leave, offered the following resolution:

Resolved, That the Honorable the House of Representatives is requested by the Council to communicate to the Council H. B. No. 11, if in possession of the House of Representatives, or to communicate to the Council the history of said bill, or any facts in the possession of the House of Representatives relating to said bill after the same passed the Council, and was returned by the Council to the House of Representatives.

Resolution adopted.

Mr. Wilmot, from the committee on military affairs, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 7, 1881.

Mr. President: Your committee on military affairs, to whom was referred Council Memorial No. 3, would respectfully report that they have carefully examined the same, and would recommend its passage.

WILMOT, Chairman.

On motion of Mr. Poe, the rules were suspended, Council Memorial No. 3, relating to an increase of the military force at Fort Boise, considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the Memorial passed.

Mr. Wilmot, by leave, introduced Council Memorial No. 4, relating to an increase of the military force at Camp Howard.

Read first and second times, and referred to the committee on military affairs.

On motion, the Council took a recess until 3:30 P. M.

The Council resumed its session at 3:30 P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Cobb.

Mr. Poe, from the committee on incorporations, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 6, 1881.

Mr. President: Your committee on incorporations, to whom was referred House Bill No. 29, An act relating to insurance companies, report the same back, and very respectfully recommend that it do pass.

POE, Chairman.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole for the consideration of House Bill No. 29, reported back by the committee on incorporations.

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

Bill considered, amended, and passage recommended as amended.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration House Bill No. 29, amended the same, and recommends its passage as amended.

Report and amendments adopted.

Bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot and Mr. President—12.

Nays—none.

So the bill passed.

On motion, the Council adjourned until 10 o'clock A. M. Saturday, Jan. 8, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

TWENTY-SEVENTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 8, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Anderson.

Prayer by the chaplain.

Journal of yesterday read and approved.

At 10:20 A. M. the President announced, that he was about to sign Council Bill No. 25, "An act to authorize the transfer of certain moneys to the general fund in Shoshone county, and to cancel the indebtedness of said fund to the school fund of said county."

REPORT OF STANDING COMMITTEES.

Mr. Wilmot, from the committee on military affairs, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 8, 1881.

Mr. President: Your committee on military affairs, to whom was referred Council Memorial No. 4, would respectfully report that they have carefully examined the same, and recommend its passage.

WILMOT, Chairman.

The Council, at 10:30 A. M., resolved itself into committee of the whole for the further consideration of Council Bill No. 28, "An act to amend an act entitled, an act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," approved Jan. 15, 1875.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

The committee arose.

IN COUNCIL.

President Hailey in the chair.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 8, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed C. B. No. 17. Also, C. B. No. 20, which are herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 8, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives herewith transmit H. B. No. 11, in accordance with the request of your Honorable body.

Respectfully,
T. D. CAHALAN, Chief Clerk.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Council Bill No. 28 considered, and progress made, and committee recommend that the same be made the special order for Tuesday, January 11, 1881, after the call of the regular order of business.

The committee arose and reported, as above, to the President.

IN COUNCIL

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council Bill No. 28, and made progress, and recommends that the same be made the special order for Tuesday, January 11, 1881, after the call of the regular order of business.

Report and recommendation of committee adopted.

GENERAL FILE.

Council Memorial No. 4, relating to an increase of the military force at Camp Howard, was taken up, and the rules were suspended, Memorial considered, engrossed, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.—12.

Nays—none.

So the Memorial passed.

TAKEN FROM THE TABLE.

House Bill No. 43, An act to repeal an act entitled, an act to incorporate Franklin City in Oneida county, approved Jan. 10, 1873, was taken from the table, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion of Mr. Johnson, the chief clerk was instructed, in notifying the House of Representatives of the passage of House Bill No. 43, to return to said House, House Bill No. 11, with an acknowledgment of the receipt of the message of the House transmitting the same.

Mr. Budge, from the committee on enrolled bills, by leave, presented the following report:

Mr. President: Your committee on enrolled bills, respectfully report that they have examined and found correctly enrolled Council Bill No. 25, relating to the transfer of certain moneys to the general fund in Shoshone county, and have presented the same to the Governor this day, at 10:30 A. M., for his approval.

BUDGE, Chairman.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President.

Absent—Mr. Wilmot.

On motion of Mr. Johnson, B. M. Anderson, assistant sergeant-at-arms and door-keeper of the Council, was granted leave of absence until 10 o'clock A. M., Monday, Jan. 10, 1881.

On motion of Mr. Poe, the Council took a recess until 3 o'clock P. M.

The Council resumed its session at 3 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President.

Absent—Messrs. Cobb and Wilmot.

At 3:03 P. M. the President announced that he was about to sign Council Bill No. 17, "An act to amend an act entitled an act concerning county treasurers," approved Jan.

12, 1875; and Council Bill No. 20, "An act regulating the salary and fees of the probate judge of Shoshone county."

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY,
BOISE CITY, January 8, 1881.

To the Hon. President of the Council,

Sir: I have this day approved the following measures: Council Bill No. 16, "To create and organize the county of Custer." Also Council Bill No. 25, "To authorize the transfer of certain moneys to the general fund in Shoshone county, and to cancel the indebtedness of said fund to the school fund of said county.

Very respectfully,
Your obedient servant,
J. B. NEIL, Governor.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 8, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed Council Bill No. 27, relating to stock districts in Bear Lake county. Also had under consideration Council Amendment to House Bill No. 29, relating to insurance companies, and have adopted the said amendments. Also had under consideration C. M. No. 3, and have passed the same, with the following amendment: Strike out the words "Fort Boise" wherever they occur in the Memorial, and in lieu thereof insert "Boise Barracks."

Respectfully,
T. D. CAHALAN, Chief Clerk.

On motion of Mr. Johnson, Council Memorial No. 3 was taken up, and the amendments of the House of Representatives thereto concurred in, and the Memorial ordered engrossed.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills have examined and found correctly enrolled Council Bill No. 17, concerning county treasurers, and Council Bill No. 20, regulating the salary and fees of the probate judge of Shoshone county, and have presented the same this day, at 3:15 P. M., to the Governor for his approval.

BUDGE, Chairman.

On motion of Mr. Johnson, House Bill No. 29, An act relating to insurance companies was deposited in the archives of the Council, subject to the order of the House of Representatives.

On motion of Mr. Poe, the chief clerk was instructed to notify the House of Representatives, by message, that House Bill No. 29 was deposited in the archives of the Council, subject to the order of said House of Representatives.

At 3:27 P. M. the Council adjourned until Monday, January 10, 1881, at 10 o'clock A. M.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

TWENTY-NINTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 10, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the chaplain.

Journal of Saturday, Jan. 8, 1881, read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 10, 1881.

Mr. President: Your committee on engrossed bills, to whom was referred substitute for Council Memorial No. 2, have carefully examined said Memorial, and respectfully report the same correctly engrossed.

COBB, Chairman.

BILLS ON THIRD READING.

Council Memorial No. 2, relating to the reclamation of lands bordering on Snake river, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the Memorial passed.

On motion of Mr. Johnson, the Council adjourned until 10 o'clock A. M., Tuesday, January 11, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

THIRTIETH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 11, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President.

Absent—Mr. Wilmot.

Prayer by the chaplain.

Journal of yesterday read and approved.

On motion of Mr. Poe, James H. Wickersham, chief clerk of the Council, was excused from attendance until 12 o'clock M. to-day.

The President also asked leave of absence for Mr. Wilmot until 12 o'clock M. to-day. Granted.

Reports of standing committees.

Mr. Anderson, from the committee on counties and county boundaries, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 11, 1881.

Mr. President: Your committee on county and county boundaries, to whom was referred Council Bill No. 23, "An act better to define the boundary line between the county of Oneida and the county of Cassia, and to re-establish the boundary line between the county of Alturas and the county of Cassia."

Have had the same under consideration, and respectfully submit the following report:

Your committee are advised of several material facts

bearing on the merits of the proposed measure, which may be briefly stated as follows:

First. That the county of Alturas is heavily burdened with debt, and that its securities in various forms are held by the creditors of said county, for principal and interest, aggregating over eighty thousand (80,000) dollars. After deducting the sum of eight thousand (8,000) dollars, to be paid to that county by the new county of Custer, it may be assumed that the debt of Alturas still outstanding, will be about seventy-five thousand (75,000) dollars.

2d. That the inhabitants within the limits of the part of Alturas proposed by this bill to be annexed to Cassia, are only a few persons cultivating small tracts of land, perhaps not exceeding twenty-five in all, besides a small number of herders, transiently there in charge of cattle, mostly belonging to citizens of the State of Nevada.

3d. That the assessed value of the property, consisting almost exclusively of cattle found by the assessor of Alturas within the same limits, was for the year 1880, about $100,000. The sum of the total assessments as given by the assessor was under $90,000, but subsequently he communicated to your committee, what was claimed to be a proper correction, and in this he carried the sum up to $113,000. The amount collected thereon for the county rate, as stated by the assessor, was $2,300.

Your committee are impressed with the conviction that an important element, in considering measures of this nature, arises ordinarily upon the question of fact as to whether the community to be affected, or included in the country to be transferred, desire the change, and are to be benefited by having a county seat of more convenient access thereby provided. In the present case your committee are not advised as to what are the wishes of the few people residing in the section of country proposed to be transferred. This element, therefore, we believe is properly excluded in the consideration of this bill.

In changing lines of division between contiguous counties, enlarging some and contracting others, it has never, we believe, been regarded as good policy to tolerate the sale by one and the purchase by another, of Territorial area. Nor should the disposition of such jurisdiction be permitted at the option of the contracting parties. Some good and substantial reasons for any proposed change should be addressed to the legislative mind, based upon considerations of public and private convenience. When

such reasons are well founded and satisfactory, such changes should, in our judgment, be made (or new counties created), unless other reasons of superior moment interpose against the measure. Regard to the public monetary obligations, and good faith with public creditors, are amongst the first and highest things demanding the attention of those entrusted with the exercise of legislative power. When we consider that in the year 1880 the sum of about $2,300 was collected by the county of Alturas upon property found within the section which would be ceded by this bill, which yielded a net sum of $2,000, applicable to the payment of her debt, we cannot believe that the acceptance of two and a half years of this income in gross is the proper and judicious way to secure the ultimate discharge of the indebtedness of that county. This bill would make a permanent alienation of this annual revenue of Alturas under the guise of a pretended equivalent, fixed at an amount equal only to what Alturas would herself get in this limited time of two years and a fraction, if left to her present Territorial limits. Such a measure, is not just to the creditors of that county, who surely have a right to regard (in some degree, though not absolutely,) the entire area of the county as pledged to the payment of their demands.

Your committee deem it unnecessary that they should enter into any speculations as to the probable increase of taxable property within the said section of country, either from settlement of farms, increase of live stock upon its range, or construction of railroads. It is sufficient, they think, to state the facts as to the indebtedness of Alturas, that this debt is of many years standing, that a large part of it is for accumulated interest; and to point attention to the very meager, and wholly inadequate, contribution which it is proposed by the bill to make towards the payment of that debt by the county of Cassia.

In the hearing given to the representatives from the county of Cassia, some point was made upon the difficulty of intercourse with Rocky Bar for some considerable time during the winter season, and upon the fact that persons charged with crime, are not overtaken by the tardy process issuing from the officials of Alturas. Whatsoever foundation there may have been for this complaint in the past, a remedy for the evil is promised by the establishment of justices of the peace at eligible places along the line of the route to the Snake river.

At most, this is another fact entering into the consideration of public convenience, and however weighty, could not control the higher value which your committee have attached to good faith of the county as involved in its obligations to creditors.

For the reasons stated, your committee report the bill back, and respectfully recommend that it do not pass.

ANDERSON, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY.
BOISE CITY, I. T., Jan. 10, 1881.

To the Honorable President of the Council,

Sir: I have this day approved the following measures:

Council Bill No. 17, "To amend an act concerning county treasurers," approved Jan. 12, 1875.

Also, Council Bill No. 20, "Regulating the salary and fees of the probate judge of Shoshone county."

Very Respectfully,
Your ob't s'v't,
J. B. NEIL, Governor.

On motion of Mr. Cobb, the consideration of Council Bill No. 23, "An act to better define the boundary line between the county of Oneida and the county of Cassia, and to re-establish the boundary line between the county of Alturas and the county of Cassia," was postponed until Friday, Jan. 14, 1881.

Council Bill No. 28, "An act to amend an act entitled an act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," approved Jan. 15, 1875, having been made the special order for this hour, the Council resolved itself into committee of the whole for the consideration thereof.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Bill considered, progress made, and leave asked to sit again.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole

has had under consideration Council Bill No. 28, made progress, and asks leave to sit again.

Report adopted.

Mr. Poe, upon his own request, was granted leave of absence until 10 o'clock A. M., Wednesday, Jan 12, 1881.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, and Mr. President.

Absent—Messrs. Poe and Wilmot.

At 2:10 P. M. the President announced that he was about to sign Council Bill No. 27, providing for stock districts, stock boards, and the round up of cattle in Bear Lake county; also Council Memorial No. 3, relating to an increase of the military force at Boise Barracks.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 11, 1881.

Mr. President: I am directed to inform your Honorable body that Mr. William Davidson tendered his resignation as Assistant Chief Clerk of the House of Representatives, on the 8th inst., and A. J. Borland was elected to fill the vacancy.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 11, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has instructed me to draw upon the archives of the Honorable Council, and obtain therefrom (with the kind permission of the Honorable Council) H. B. No. 29, An act in relation to insurance companies. And the Hon. House, as in duty bound, will ever feel grateful.

Very respectfully,
T. D. CAHALAN, Chief Clerk.

On motion of Mr. Johnson, the chief clerk was instructed to transmit House Bill No. 29 to the House of Representatives, with appropriate message.

On motion, the Council adjourned until 10 o'clock A. M., Wednesday, Jan. 12, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

THIRTY-FIRST DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 12, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Cobb.

Prayer by the chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 12, 1881.

Mr. President: Your committee on judiciary, to whom was referred the message of the Governor, transmitting the proposition of Robert E. Strahorn to publish a pamphlet showing the resources of the territory, with authority to report by bill or otherwise, have had the same under consideration, and herewith report the same back, with a bill to carry the same into effect.

JOHNSON, Chairman.

Bill reported by judiciary committee.

Council Bill No. 29, "An act empowering the Governor of this Territory to contract for the publication of a work on the resources of Idaho," reported by the judiciary committee, was taken up, read first and second times, and referred to committee of the whole.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined and found correctly enrolled, Council Bill No. 27, relating to the creation

of stock boards in Bear Lake county; and Council Memorial No. 3, on the advisability of an increase of military force at Boise barracks, and presented the same yesterday at 2:30 P. M. to the Governor for his approval.

BUDGE, Chairman.

On motion of Mr. Poe, the Council resolved itself into committee of the whole for the further consideration of Council Bill No. 28, "An act providing for a uniform system of Territorial and county revenue.

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

Bill considered, progress made, and leave asked to sit again Wednesday, January 19, 1881.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council Bill No. 28, made progress, and asks leave to sit again Wednesday, January 19, 1881.

Report adopted.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole for the consideration of Council Bill No. 29, empowering the Governor to contract for the publication of a work on the resources of Idaho.

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

Bill considered and amended, and committee recommend that it be referred to the committee on judiciary for further consideration and amendment.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council Bill No. 29, and amended the same, and recommends that the bill be re-referred to the committee on judiciary for further consideration and amendment.

Report adopted.

On motion of Mr. Johnson, the judiciary committee was

instructed to inquire into the expediency of publishing a number of the proposed pamphlets in foreign languages, and that said committee be authorized to report by supplemental bill or otherwise.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Budge.

INTRODUCTION OF BILL.

Mr. Johnson, by consent, introduced the following Council Bill:

COUNCIL BILL NO. 30.

An act to prohibit the keeping of places of resort for smoking opium, or frequenting the same.

Read first and second times, and referred to the committee on judiciary.

On motion, the Council took a recess until 4 o'clock P. M.

The Council resumed its session at 4 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President.

Absent—Mr. Wilmot.

Mr. Dilley in the chair.

RESOLUTIONS.

Mr. Hailey introduced the following resolution:

COUNCIL RESOLUTION NO. 3.

Resolved, That the committee on territorial affairs be instructed to call on the Territorial secretary, and ascertain whether or not he has bound files of newspapers in the Territorial library, as provided for at the seventh session of the Legislative Assembly of Idaho.

Resolution adopted.

President Hailey in the chair.

On motion of Mr. Poe, the Council adjourned until 10 o'clock A. M. Thursday, Jan. 13, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

THIRTY-SECOND DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 13, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the chaplain.

Journal of yesterday read and approved.

REPORTS OF STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 13, 1881.

Mr. President: Your committee on judiciary, to whom was re-referred C. B. No. 29, "An act empowering the Governor of this Territory to contract for the publication of a work on the resources of Idaho," have had the same under consideration, and herewith respectfully report the same back, with amendments, as recommended to the Council by the committee of the whole; and your committee recommend the passage of the bill as amended.

JOHNSON, Chairman.

Council Bill No. 29, An act empowering the Governor to contract for the publication of a work on the resources of Idaho, was taken up, the amendments thereto adopted, and the bill ordered engrossed.

On motion the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

INTRODUCTION OF BILLS.

Mr. Johnson, by leave, introduced the following Council Bill:

Council Bill No. 31, "An act to amend an act entitled, an act to incorporate Boise City, in Ada county," approved Jan. 11, 1866.

Read first and second times, and referred to the committee on judiciary.

At 2:15 P. M. the President announced that he was about to sign House Memorial No. 4, relating to mail service in the Wood River district, in Alturas county; House Bill No. 24, An act fixing the salaries of certain officers in Oneida county; and House Bill No. 29, relating to insurance companies.

REPORTS OF STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 13, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 30, "An act to prohibit the keeping of places of resort for smoking opium, or frequenting the same," have had the same under consideration, and herewith respectfully report the same back, with a substitute for the first section, and recommend that said bill as amended by said substitute do pass.

JOHNSON, Chairman.

Council Bill No. 30, "An act to prohibit the keeping of places of resort for smoking opium," was taken up, the amendments thereto adopted, and the bill ordered engrossed.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 12, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, the Governor's objections to H. B. No. 33, "An act relating to sheep in Bear Lake county. Also, the Governor's objections to H. J. Resolution No. 2, relating to

the appointment of a joint committee to visit the Territorial prison, and has, by its action sustained the objections of His Excellency to said bills.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 12, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. B. No. 42, authorizing the recording of United States land and mineral patents. Also, C. M. No. 4, praying for increase of military force at Camp Howard, Idaho Territory, which are herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No. 42, "An act to authorize the recording of U. S. land and mineral patents" was taken up, read first and second times, and referred to the committee on judiciary.

On motion, the Council took a recess until 3:30 P. M.

The Council resumed its session at 3:30 P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President.

Absent—Mr. Wilmot.

At 3:32 P. M. the President announced that he was about to sign House Bill No. 43, "An act to repeal an act entitled an act to incorporate Franklin City, in Oneida county," approved Jan. 10, 1873.

REPORTS OF STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 13, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 31, "An act to amend an act entitled an act to incorporate Boise City, in Ada county," approved January 11, 1866, have had the same under consideration, and herewith report the same back, and respectfully recommend its passage.

JOHNSON, Chairman.

On motion of Mr. Johnson, the rules were suspended, Council Bill No. 31 considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President —11.

Nays—none.

Absent—Mr. Wilmot.

So the bill passed.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 13, 1881.

Mr. President: Your committee on engrossed bills, to whom was referred C. B. No. 29, have carefully examined the same, and report it as correctly engrossed.

COBB, Chairman.

On motion the Council adjourned until Friday, Jan. 14, 1881, at 10 o'clock A. M.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

THIRTY-THIRD DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 14, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Anderson.

Prayer by the chaplain.

Journal of yesterday read and approved.

BILLS ON THIRD READING.

Council Bill No. 29, An act empowering the Governor to contract for the publication of a work on the resources of Idaho, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, Jan. 13, 1881.

To the Honorable President of the Council,

Sir: I have this day approved Council Bill No. 27, "To provide for stock districts in the county of Bear Lake, Idaho Territory, for creating stock boards for such districts, and for the 'round up' of cattle."

A copy of Council Memorial No. 3, requesting the Secretary of War to increase the military force at Boise Barracks, will be forwarded, at an early day, with a communication urging that favorable action be taken on the petition of the Legislative Assembly.

Very respectfully,
Your ob't s'v't,
J. B. NEIL, Governor.

SPECIAL ORDER.

On motion of Mr. Cobb, the Council resolved itself into committee of the whole, for the consideration of Council Bill No. 23, "An act to better define the boundary line between the county of Oneida and the county of Cassia, and to re-establish the boundary line between the county of Alturas and the county of Cassia."

COMMITTEE OF THE WHOLE.

Mr. Poe in the chair.

Bill considered, substitute therefor offered, and its adoption recommended.

The committee arose and reported as above to the president.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council Bill No. 23, reported a substitute therefor, and recommends the adoption of the same in lieu of the original bill.

Report and substitute adopted.

Mr. Dilley moved that the substitute be referred to the committee on counties and county boundaries.

Mr. Cobb moved to amend, by suspending the rules, considering the substitute engrossed, and placing it upon a third reading, and final passage.

Pending these motions, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Poe, Wilmot and Mr. President.

Absent—Mr. Peck.

Consideration of Council Bill No. 23 resumed.

Amendment of Mr. Cobb to the motion of Mr. Dilley, to refer the substitute to the committee on counties and county boundaries, withdrawn.

Mr. Dilley, by leave, amended his motion by including the original bill.

The motion, as amended, prevailed, and the original bill and substitute were referred to the committee on counties and county boundaries.

On motion, the Council took a recess until 3:17 P. M.

The Council resumed its session at 3:17 P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Poe, Wilmot, and Mr. President.

Absent—Mr. Peck.

REPORT OF STANDING COMMITTEES.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 14, 1881.

Mr. President: Your committee on engrossed bills, to whom was referred C. B. No. 30, have carefully examined said bill, and report the same as correctly engrossed.

COBB, Chairman.

On motion of Mr. Johnson, Council Bill No. 30, An act to prohibit the keeping of places of resort for smoking opium,

and frequenting the same, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Poe, Wilmot, and Mr. President—10.

Nays—Mr. Murray—1.

Absent—Mr. Peck.

So the bill passed.

On motion, the Council adjourned until 10 o'clock A. M. to-morrow.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

THIRTY-FOURTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 15, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Budge.

Prayer by the chaplain.

Journal of yesterday read and approved.

RESOLUTIONS.

Mr. Johnson, by leave, offered the following resolution:

Resolved, That the Secretary of the Council be instructed to deliver to the Secretary of the Territory the journals of the Council, from time to time, as they may be required for printing, reserving in the possession of the Council at all times, the journals of one week preceding.

Resolution adopted.

At 10:18 A. M. the President announced that he was about to sign Council Memorial No. 4, relating to an increase of the military force at Camp Howard.

On motion of Mr. Johnson, the Council adjourned until 10 o'clock A. M., Monday, January 17, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

THIRTY-SIXTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 17, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the chaplain.

Journal of Saturday, Jan. 15, 1881, read and approved.

INTRODUCTION OF BILLS.

Mr. Budge, by leave, introduced the following Council Bill:

Council Bill No. 32, "An act to amend an act entitled An act to establish a public school system, and to provide for the maintenance and supervision of public schools, approved Feb. 21, 1879.

Read first and second times, and referred to the committee on education.

Reports of standing committees.

Mr. Dilley, from the committee on counties and county boundaries, presented the following majority report:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 17, 1881.

Mr. President: Your committee on counties and county boundaries, to whom was referred C. B. No. 23, together with the substitute therefor, a bill for "An act to better define the boundary line between the county of Oneida and the county of Cassia, and to re-establish the boundary line between the county of Alturas and the county of Cassia," have carefully considered the same, and find that the passage of said bill would greatly impair and injure the credit of Alturas county, and work a great injury to the creditors of the same, by lessening its sources of revenue in taking from it over $2,000 per annum, besides taking from her territory a tract of land destined at no distant day to be the road bed for a railroad passing through Central Idaho, and at present one of the winter ranges of the stock raisers of Alturas county, and in return offering and agreeing to assume a debt which your committee feel warranted in

saying that the said county of Cassia is wholly unable to pay within any reasonable period of time, nor with out imposing a burthen of taxation that the tax payers of Cassia county could illy afford to bear, and giving the creditors of Alturas county no guarantee that it either could or would ever be able to pay the amount that would necessarily fall to her share, which your committee believe would not be less than $20,000, as the county of Cassia is already encumbered with a debt which she cannot pay.

For these, and other good reasons, your committee recommend that the substitute do not pass.

H. PECK,
S. B. DILLEY,
Majority of the committee.

Mr. Anderson, from the committee on counties and county boundaries, presented the following minority report:

COUNCIL CHAMBER,
January 17, 1881.

Mr. President: The undersigned, of your committee on counties and county boundaries, to whom was referred substitute for C. B. No, 23, having given the same due consideration, respectfully reports the same back, with an amendment, and recommends the passage of the substitute with such amendment. At the same time, I beg leave to offer my reasons for dissenting from the views of a majority of the committee. In submitting this report, I take occasion to say that the reasons and principles enunciated in the report on the original bill, and which induced me to recommend the rejection of that bill, do not, in my judgment, apply to this substitute, which proposes to take from Alturas only about one-half the area of country included in that bill, and yet proposes to contribute about three times the sum of money towards the payment of the debt of that county. This bill proposes to apportion the share of that debt to be paid by Cassia county, upon the assessed value of the taxable property made by the county assessor of Alturas in 1880, and is therefore the just proportion, or more than the just proportion, which should be borne by the county making the acquisition of territory.

It is, to my mind, most obvious that the convenience of the settlers upon the small tract of country proposed to be ceded, and especially the protection of property, demand the cession of it to the county of Cassia. While the mean distance of this strip of land is more than 120 miles from the county seat of Alturas, the same mean distance from

Albion, the county seat of Cassia, is less than thirty miles. While Rocky Bar is inaccessible by any mode of travel, except on snow-shoes, for several months in the year, the county seat of Cassia is open to travel by stage, or other mode of conveyance at all seasons.

In considering the questions embraced in the original bill, I confess that I could scarcely regard with complacency the oppressive yoke which the prodigality, not to say official profligacy, of the early rulers of Alturas, has bequeathed to our times, and which obstructs all wise legislation for the arrangement of county governments. I have been almost led to suspect that the enormous debt of Alturas, for which there is almost nothing to show, was the work of those merciless and useless drones, who in new countries commonly swarm to small county seats, and by obtaining office, derive support, or rather plunder, from the public treasury. Had it been possible, it would have perhaps been better to have instituted an inquiry into the mode by which the burdens of Alturas were created, and to have thrown the consequences upon the shoulders of those who were the authors of these impositions. This could not, however, be done, as the evidence of that debt have, doubtless, long since passed from the hands of the original payees, into those of purchasers for some valuable consideration. I was, therefore, driven to unite in the report submitted by this committee on the bill for which this is a substitute.

I must be permitted to express my most decided dissent from a doctrine which seems to be maintained by some who represent the interests of Alturas on this measure, that when a county is once constituted, the myth or body corporate, or whatever it may be, called a county, has a sort of indefeasable title to every rod and acre of land covered by or included in such original boundaries; and that these boundaries cannot be disturbed without the consent of the citizens thereof. The result of such a polity would be, that instead of counties being organized for the convenience of the people, and to accommodate their best welfare, on the contrary, the people must be subjected to all manner of hardship and annoyances, in order to accommodate the accidents of the first civil divisions which may have been made of an unpopulated country. We should then have no new counties, and no changes of county boundaries, according to the changing distribution of population.

Alturas, even after this cession, is still larger in area than Massachusetts, New Jersey, or Maryland; sufficiently large, one would imagine, to constitute two or three respectable sized counties, even of Idaho. Its present principal settlements about Rocky Bar and on Wood river, divided as they are by a barrier of mountains, which are impassable for seven or eight months in the year, forbid even now its remaining together with a common county seat. It would undoubtedly be rent in two before the present session ends by the demand of its own representatives, but for the contemplated change of its county seat from its present site, to meet the wishes of the newer and more populous section. I venture the prediction that this palliative will not afford a remedy, but that if this measure for a new county seat fail, a demand will be made, and justly too, to divide the vast territory of Alturas on the summit of the Sawtooth range. Even then the territory of Alturas, when so divided, must still be subject to other subdivisions, as populations gather into the remoter parts.

The segregation of the small piece involved in this substitute, is called for by considerations of good policy, of regard for the best interests of society, of protection to property, and punishment of crime, and in my judgment, upon the terms proposed by this substitute, should receive the legislative sanction.

W. F. ANDERSON.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, January 15, 1881.

To the Honorable President of the Council,

Sir: I have the honor to inform you that I am in receipt of a certified copy of an act of Congress, approved Dec. 23, 1880, whereby section 1852 of the Revised Statutes of the United States is amended, to read as follows: "The sessions of the legislative assemblies of the several territories of the United States shall be limited to sixty days duration." A copy of this communication has been sent to the Speaker of the House.

Very respectfully your ob't s'v't,

J. B. NEIL, Governor.

GENERAL CALENDAR.

Council Bill No. 23, "An act to better define the boundary line between the county of Oneida and the county of

Cassia, and to re-establish the boundary line between the county of Alturas and the county of Cassia," was taken up, the amendment thereto adopted, and the bill made the special order for Tuesday, January 18, 1881, after the call of the regular order of business.

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committe on enrolled bills beg leave to report that they have examined and found correctly enrolled Council Memorial No. 4, asking for an increase of military force at Fort Howard, and delivered the same to the secretary of the Territory, on Saturday last, the 13th, at 10:30 A. M.

BUDGE, Chairman.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.
President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

INTRODUCTION OF BILLS.

Mr. Anderson, by leave, introduced the following Council Bill:

Council Bill No. 33, An act to regulate the right to use of water for mining, agricultural, manufacturing and other purposes.

Read first and second times, and referred to the committee on incorporations.

On motion of Mr. Anderson, the committee on printing was instructed to have printed 100 copies of Council Bill No. 33.

REPORTS FROM STANDING COMMITTEES.

Mr. Poe, from the committee on Territorial affairs, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan 17, 1881.

Mr. President: Your committee on Territorial affairs, to whom was referred Council Resolution No. 3, instructing

them to call on the Territorial Secretary and ascertain whether or not he has bound files of newspapers in the Territorial library, as provided for at the seventh session of the Legislative Assembly of Idaho, hereby respectfully report, that they called upon the Hon. R. A. Sidebotham and were by him informed that he had files of all newspapers received by him for the use of the Territorial library since he assumed the duties of Territorial Secretary; also that he had files of such newspapers which were turned over to him by his predecessor. Neither the papers received by him, nor those of his predecessor, have ever been bound as is provided by law. They were also informed by said secretary, that he audited the account for the Idaho "World" at five dollars, for the year ending January 1, 1879; that he did not audit the account for said "World" for the year ending January 1, 1880, but that he again audited the account for said "World" for the year ending January 1, 1881, at five dollars. Your committee was also informed by said secretary, that he has in no year audited accounts for newspapers to exceed the sum of fifteen dollars, and that in the year ending January 1, 1880, he only audited ten dollars. And further, that he never has had any warrant drawn in his name on account of newspapers furnished the Territorial library; and that he has never audited any account for the Idaho "Statesman."

POE, Chairman.

Mr. Johnson, from the committee on education, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 17, 1881.

Mr. President: Your committee on education, to whom was referred Council Bill No. 32, "An act to amend an act entitled An act to establish a public school system, and to provide for the maintenance and supervision of public schools, approved February 21, 1879," have had the same under consideration, and herewith report the same back and recommend its passage.

JOHNSON, Chairman.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole for the consideration of the report of the committee on Territorial affairs, upon Council Resolution No. 3.

COMMITTEE OF THE WHOLE.

Mr. Anderson in the chair.

Report considered, resolution relating thereto offered, and its adoption recommended.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration the report of the committee on Territorial affairs upon Council Resolution No. 3, and reports the following resolution, and recommends its adoption:

COUNCIL RESOLUTION NO. 4.

Resolved, That a special committee of three, the President to be chairman, be appointed, and are requested to investigate the controller's office to ascertain by what authority the controller has issued certain warrants in payment for certain newspapers as shown by said controller's report and otherwise. 2nd. To investigate the manner in which the Territorial printing has been let and done for the past four years, and for the present year, and to report to this Council by bill or otherwise.

Resolution adopted.

On motion of Mr. Johnson, the rules were suspended, and the Council resolved itself into committee of the whole for the consideration of Council Bill No. 32, An act to amend an act entitled An act to establish a public school system, and to provide for the maintenance and supervision of public schools, approved Feb. 21, 1879.

COMMITTEE OF THE WHOLE.

Mr. Anderson in the chair.

Bill considered, amended, and its passage recommended as amended.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council Bill No. 32, amended the same, and recommends its passage as amended.

Report and amendments adopted, and the bill ordered engrossed.

On motion, the Council adjourned until 10 o'clock A. M. Tuesday, January 18, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

THIRTY-SEVENTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 18, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Anderson,

Prayer by the chaplain.

Journal of yesterday read and approved.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 18, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed C. M. No. 2, relating to the reclamation of lands on Snake river. Also C. B. No. 30, an act to prohibit the keeping of places of resort for smoking opium or frequenting the same, and have passed said bill, which is herewith transmitted. Also H. B. No. 37, an act to provide for the better protection of live stock, etc., have passed said bill, and respectfully ask the concurrence of the Council therein.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan 18, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration C. B. No. 13, "An act concerning roads, trails, etc.," have amended said bill and passed the same, and respectfully ask the concurrence of the Council thereto. Also substitute for C. B. No. 26, an act to provide for branch jails in Alturas county, and have passed said bill, which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole for the consideration of House amendments to Council Bill No. 13, an act relating to roads, highways, etc.

COMMITTEE OF THE WHOLE.

Mr. Anderson in the chair.

Bill and amendments considered, and committee recommend that all the amendments proposed by the House of Representatives be concurred in, except the first three amendments to section 41, and the first amendment to section 46.

The committee arose, and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council Bill No. 13, and the amendments of the House of Representatives thereto, and recommend that the amendment to the title and the bill, striking therefrom the word "trails" wherever it occurs, be concurred in; also that the Council concur in the amendments of the House of Representatives to sections 5, 7, 10, 21, 25 and 35; the fourth amendment to section 41, section 44; and the second amendment to section 46; and that the Council dissent from the first three amendments to section 41, and the first amendment to section 46.

Report adopted, and recommendations concurred in.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

HOUSE BILLS.

House Bill No. 37, "An act to provide for the better protection of live stock against barbed and other wire fences," was taken up, read first and second times, and referred to the committee on agriculture.

SPECIAL ORDER.

Council Bill No. 23, "An act to better define the boundary line between the county of Oneida and the county of Cassia, and to re-establish the boundary line between the

county of Alturas and the county of Cassia," was taken up, and on motion of Mr. Dilley, the further consideration thereof was postponed until Tuesday, January 25, 1881, after the call of the regular order of business.

The President announced as the special committe to examine the books and accounts of the Territorial controller, as provided in Council Resolution No. 4, Messrs. Budge and Murray.

On motion, the Council took a recess until 4 o'clock P. M.

The Council resumed its session at 4 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Murray, Wilmot, and Mr. President.

Absent—Messrs. Anderson, Morrison, Peck, and Poe.

On motion of Mr. Johnson, a call of the House was ordered.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Murray, Wilmot, and Mr. President.

Absent—Messrs. Anderson, Morrison, Peck, and Poe.

The Sergeant-at-arms was directed to bring in the absent members.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T. Jan. 18, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration H. B. No. 51, "An act regulating the salary of the probate judge of Custer county." Also H. B. No. 45, "An act to create a contingent fund in the county of Cassia." Also H. B. No. 46, "An act to provide for the indigent insane of the Territory of Idaho." Also House Memorial No. 7, for the establishment of a mail route between Banner and Bonanza City;" and have passed said bills, which are herewith transmitted. The House has also had under consideration C. B. No. 13, and have receded from the first and third amendments to section 41, and they insist upon the second amendment to section 41, and the fir t amendment to section 46, and have appointed Messrs. Hart, Callaway and Stalker a committee of conference. The House has also amended and passed Council Bill No. 6, An act to amend an act to regulate proceedings in crim

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mail service between Banner and Bonanza City, was taken up read first and second times, and referred to the committee on mails and mail facilities.

Council Bill No. 6, "An act to amend an act entitled an act to regulate proceedings in criminal cases, etc., in Idaho Territory," was taken up, and on motion of Mr. Johnson, the House amendments thereto were adopted.

On motion of Mr. Johnson, the request of the House of Representatives for a free conference upon the disagreement between the two Houses to amendments to Council Bill No. 13, was granted.

The President appointed as such committee, on the part of the Council, Messrs. Johnson and Budge.

On motion of Mr. Johnson, the President was added to the conference committee.

On motion, the Council adjourned until 10 o'clock A. M. Wednesday, January 19, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

THIRTY-EIGHTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 19, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Dilley.

Prayer by the chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Cobb, by leave, introduced the following Council Bill:

Council Bill No. 34, "An act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same.

Read first and second times, and referred to the committee on finance.

REPORTS OF STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 19, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 51, "An act regulating the salary of the probate judge of Custer county," have had the same under consideration, and respectfully report said bill back, and recommend its passage.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., January 19, 1881.

Mr. President: Your Committee on judiciary, to whom was referred H. B. No. 46, "An act to provide for the indigent insane of the Territory of Idaho," have had the same under consideration, and herewith report the same back, and respectfully recommend its passage.

JOHNSON, Chairman.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan'y 17, 1881.

Mr. President: Your committee on engrossed bills, to whom was referred C. B. No. 32, "An act to amend an act entitled An act to establish a public school system, and to provide for the maintenance and supervision of public schools, approved February 21, 1879," have carefully examined said bill, and report it as correctly engrossed.

COBB, Chairman.

Mr. Dilley, from the committee on mails and mail facilities, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 19, 1881.

Mr. President: Your committee on mails and mail facilities, to whom was referred H. M. No. 7, "For the establishment of a mail route between Banner and Bonanza City," have carefully considered the same, and respectfully report the same back to the Council, and recommend its passage.

DILLEY, Chairman.

BILLS ON THIRD READING.

Council Bill No. 32, An act to amend an act entitled An act to establish a public school system, and to provide

for the maintenance and supervision of public schools, approved Feb. 21, 1879, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

GENERAL CALENDAR.

House Bill No. 51, "An act regulating the salary of the probate judge of Custer county," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

House Bill No. 46, "An act to provide for the indigent insane of the Territory of Idaho," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Budge.

So the bill passed.

House Memorial No. 7, relating to the establishment of a mail service between Banner and Bonanza City, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the Memorial passed.

SPECIAL ORDER.

Council Bill No. 28, "An act to amend an act entitled an act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," approved Jan. 15, 1875, having been made the special order for this hour, on motion of Mr. Poe, the Council resolved itself into committee of the whole, for the consideration thereof.

COMMITTEE OF THE WHOLE.

Mr. Budge in the chair.

Bill considered, amended, and its passage recommended as amended.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council Bill No. 28, amended the same, and recommends its passage as amended.

Report adopted, and bill ordered engrossed.

At 11:43 A. M., the President announced that he was about to sign House Bill No. 29, An act relating to insurance companies.

On motion of Mr. Johnson, the chief clerk of the Council was instructed to call upon the chief clerk of the House of Representatives and ascertain what action has been taken by the House upon Council Concurrent Resolution No. 3, directing the committee on finance of the Council, and the committee on ways and means of the House, to examine the books and accounts of the Territorial controller and treasurer.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Anderson.

REPORTS OF STANDING COMMITTEES.

Mr. Cobb, from the committee on finance, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 18, 1881.

Mr. President: Your finance committee, to whom was referred H. B. No. 45, An act to create a contingent fund in the county of Cassia, have examined said bill, and report it back, and recommend that it do pass.

COBB, Chairman.

GENERAL CALENDAR.

House Bill No. 45, "An act to create a contingent fund in the county of Cassia," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion, the Council took a recess until 4 o'clock P. M.

The Council resumed its session at 4 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President.

Absent—Messrs. Anderson and Wilmot.

INTRODUCTION OF BILLS.

Mr. Cobb, by leave, introduced the following Council Bill:

Council Bill No. 35, "An act to amend an act entitled an act creating and organizing the county of Cassia," approved Feb. 20, 1879.

Read first and second times, and referred to the committee on judiciary.

The chief clerk, who was directed to ascertain what action had been taken by the House of Representatives upon Council Concurrent Resolution No. 3, relating to the examination of the books and accounts of the Territorial controller and treasurer, reported that he had been informed by the chief clerk of the House that no action had been taken upon said resolution; but that the House had indefinitely postponed Council Joint Resolution No. 5, authorizing the employment of an expert by the committees em-

powered by Council Concurrent Resolution No. 3 to make such examination.

On motion, the Council adjourned until 10 o'clock A. M., Thursday, Jan. 20, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

THIRTY-NINTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T. Jan. 20, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Anderson.

Prayer by the chaplain.

Journal of yesterday read and approved.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 19, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration C. B. No. 22, relating to district attorneys in the several counties of this Territory, &c., have amended the same, and respectfully request the concurrence of the Hon. Council thereto. Also Substitute for C. B. No. 4, have amended the same, and respectfully ask the concurrence of the Hon. Council thereto, which are herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 19, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration the Governor's objections to House Bill No. 39, relating to Bear Lake county, and have sustained His Excellency's objection thereto.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 19, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, and passed H. B. No. 50, providing for the re-location of the county seat of Alturas county. Also H. B. No. 53, to restrain the herding of sheep in Bear Lake county, which are herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

Council Bill No. 22, "An act creating the office of district attorney for each of the organized counties of Idaho Territory, and defining their duties and compensation," was taken up, and referred to the committee on judiciary for consideration of House amendments.

Substitute for Council Bill No. 4, An act relating to the running at large of valuable stallions, &c., was taken up and referred to the committee on agriculture for consideration of House amendments.

House Bill No. 53, "An act to restrain the herding of sheep in Bear Lake county," was taken up, read first and second times, and referred to the committee on agriculture.

House Bill No. 50, "An act to provide for the re-location of the county seat of Alturas county," was taken up, read first and second times, and referred to the delegation from Alturas county.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.
President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.
Absent—Mr. Anderson.

RESOLUTIONS.

Mr. Poe, by leave, offered the following resolutions:

COUNCIL RESOLUTION NO. 5.

Resolved, That the special committee, appointed under Council Resolution No. 4, be and are hereby authorized and directed to make a thorough investigation of the books, papers and accounts of the Territorial controller and treasurer's offices; and that said committee have power to send

for persons, books and papers, and to administer oaths and examine witnesses. And the chairman of said committee shall have power to call any member or members of the Council to assist said committee in their investigation, and said chairman shall have power to appoint a clerk for said committee, provided said clerk shall serve without compensation. Said committee shall report the result of their investigation to the Council at as early day as practicable.

Resolution adopted.

RESOLUTION NO. 6.

Resolved, That the chief clerk of the Council be, and he is hereby directed to deliver to the Territorial printer, from time to time, the journals of the Council, except those of the preceding six days, and those of the last six days he shall deliver at the close of the session; and Council resolution No. 4 is hereby rescinded.

Resolution adopted.

INTRODUCTION OF BILLS.

Mr. Cobb, by leave, introduced the following Council Bill:

COUNCIL BILL NO. 36.

An act regulating the salary and fees of the probate judge of Owyhee county.

Read first and second times, and referred to the committee on judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 20, 1881.

Mr. President: Your committee on judiciary, to whom was referred House amendments to C. B. No. 22, "An act creating the office of district attorney for each of the organized counties of Idaho Territory, and defining their duties and compensation," have had the same under consideration, and herewith report the same back, and respectfully recommend that the Council dissent from the amendments proposed by the Honorable, the House of Representatives, and request a free conference with the House upon the matters in difference, and appoint a committee to confer, and request the House to appoint a like committe.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., January, 20, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 35, "An act to amend an act entitled an act creating and organizing the county of Cassia," approved February 20, 1879, have had the same under consideration, and respectfully report the same back with a substitute therefor, and recommend the passage of the substitute.

JOHNSON, Chairman.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 20, 1881.

Mr. President: Your committee on engrossed bills, to whom was referred C. B. No. 28, have carefully examined said bill, and report the same as correctly engrossed.

COBB, Chairman.

BILLS ON THIRD READING.

Council Bill No. 28, "An act to amend an act entitled, an act to provide a uniform system, of Territorial and county revenue, and for the assessing and collecting the same," approved Jan. 15, 1875, was taken up, and on motion of Mr. Poe, read a third time.

Mr. Cobb in the chair.

Mr. Hailey moved to amend said bill by striking out the word "forty" in line four of section 1, and substituting in lieu thereof the words "forty-five."

Motion lost.

The bill having been read a third time, and the question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Budge, Cobb, Cowen, Dilley, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—10.

Nays—Mr. Johnson—1.

Absent—Mr. Anderson.

So the bill passed.

GENERAL CALENDAR.

Council Bill No. 35, "An act to amend an act entitled, an act creating and organizing the county of Cassia," approved Feb. 20, 1879, and the substitute therefor, reported by the committee on judiciary, was adopted, in lieu of said bill.

On motion of Mr. Johnson, section 1 of said act creating

and organizing the county of Cassia, approved Feb. 20, 1879, was further amended by adding thereto after the words: "One hundred and thirteen degrees," where they first occur in said section, the words: "west from Greenwich."

On motion of Mr. Peck, the bill was made the special order for Monday, January 24, 1881, after the call of the regular order of business.

Council Bill No. 22, "An act creating the office of district attorney for each of the organized counties of Idaho Territory, and defining their duties and compensation," was taken up, and on motion of Mr. Johnson, the report of the judiciary committee upon the House amendments thereto, was adopted.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 20, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. B. No. 31, "An act to protect resident stock owners and ranchers, and to provide for the branding and marking of live stock," and the same is herewith transmitted for the consideration of the Honorable Council.

Respectfully,
A. J. BORLAND,
Assistant Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 20, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed C. B. No. 31, with certain amendments, and the concurrence of the Hon. Council is respectfully asked; said bill is herewith transmitted.

Respectfully,
A. J. BORLAND,
Assistant Chief Clerk.

Council Bill No. 31, "An act to amend an act entitled An act to incorporate Boise City in Ada county," approved Jan. 11, 1866, was taken up, and House amendments thereto concurred in.

House Bill No. 31, "An act to protect resident stock owners and ranchers, and provide for the branding and marking of live stock," was taken up and read first and second times.

Mr. Johnson moved that the Council resolve itself into

committee of the whole for the consideration of House Bill No. 31. The President put the question, but pending the announcement of the result, at 3:40 P. M., announced that he was about to sign substitute for Council Memorial No. 2, relating to the reclamation of lands bordering on Snake river; substitute for Council Bill No. 26, providing for branch jails in Alturas county; Council Bill No. 6, relating to proceedings in criminal cases; and Council Bill No. 30, An act to prohibit the keeping of places of resort for smoking opium, or frequenting the same.

Mr. Johnson raised the point of order that the Council was now sitting in committee of the whole.

The President insisted that, having reserved his announcement of the result of the vote, the Council was not now in committee of the whole.

From this decision of the chair, Mr. Johnson appealed.

The question being, Shall the decision of the chair stand as the decision of the Council?

The Council voted to sustain the chair; and so the decision of the chair stood as the decision of the Council.

The Chair thereupon signed substitute for C. M. No. 2; substitute for C. B. No. 26; C. B. No. 6; and C. B. No. 30; and announced that the Council had voted to resolve itself into committee of the whole, for the consideration of House Bill No. 31.

COMMITTEE OF THE WHOLE.

Mr. Poe in the chair.

Bill considered, and committee recommends that it be referred to the committee on Territorial affairs.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration House Bill No. 31, and recommends that it be referred to the committee on Territorial affairs.

On motion of Mr. Johnson, the bill was referred to the committee on agriculture.

The President announced Messrs. Johnson and Anderson as a committee on free conference, to confer with a like committee from the House of Representatives, upon the matters in difference between the two Houses upon the amendments to Council Bill No. 22.

On motion, the Council adjourned until 10 o'clock A. M., Friday, Jan. 21, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FORTIETH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 21, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Cobb, Cowen, Dilley, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson, Budge, and Johnson,

Prayer by the chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Dilley, by leave, introduced the following Council Bill:

Council Bill No. 37, "An act regulating salaries and fees, and the collection of revenues in Alturas county."

Read first and second times, and referred to the committee on judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. Poe, from the committee on incorporations, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 21, 1881.

Mr. President: Your committee on incorporations, to whom was referred C. B. No. 33, "An act to regulate the right to the use of water for mining, agricultural, manufacturing, and other purposes," have had said bill under consideration, and hereby report the same back, with the recommendation that it do pass.

POE, Chairman.

Mr. Budge, from the committee on enrolled bills, presented the following reports:

Mr. President: Your committee on enrolled bills respectfully report that they have examined, and found cor-

rectly enrolled, substitute for Council Memorial No. 2, relating to the reclamation of desert land bordering on Snake river, and delivered the same to the secretary of the Territory yesterday at 4 P. M.

BUDGE, Chairman.

Mr. President: Your committee on enrolled bills beg leave to report that they have examined, and found correctly enrolled, Council Bill No. 6, being "An act to amend an act to regulate proceedings in criminal cases;" Council Bill No. 30, to prohibit the keeping of places of resort for smoking opium, &c.; and substitute for Council Bill No. 26, to provide for branch county jails in Alturas county, and presented the same to the Governor yesterday at 4 P. M., for his approval.

BUDGE, Chairman.

Mr. Cowen, from the committee on agriculture, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 21, 1881.

Mr. President: Your committee on agriculture, to whom was referred House Bill No. 53, entitled, "An act to restrain the herding of sheep in Bear Lake county," have had the same under consideration, and beg leave to report the same back to the Council, with the recommendation that it do pass.

COWEN, Chairman.

GENERAL FILE.

House Bill No. 53, "An act to restrain the herding of sheep in Bear Lake county," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President —11.

Nays—none.

Absent—Mr. Anderson.

So the bill passed.

Council Bill No. 33, "An act to regulate the right to use of water for mining, agricultural, manufacturing, and other purposes," was taken up, and on motion of Mr. Poe, referred to the committee on judiciary.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M. President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Cobb, Cowen, Dilley, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson, Budge and Johnson.

REPORTS OF STANDING COMMITTEES.

Mr. Cowen, from the committee on agriculture, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 21, 1881.

Mr. President: Your committee on agriculture, to whom was referred House Bill No. 37, entitled "An act to provide for the better protection of live stock against barbed and other wire fences" have examined the same, and beg leave to report the same back to the Council with amendments, and recommend its passage as amended.

COWEN, Chairman.

GENERAL FILE.

House Bill No. 37, "An act to provide for the beiter protection of live stock against barbed and other wire fences," was taken up, and the amendments thereto reported by the committee on agriculture, adopted.

On motion of Mr. Johnson, the bill was further amended as follows:

Amend section one by striking out the following words: "heretofore built, bought, or in any other way come into possession of."

Also by striking out the words: "or near the top of the fence" and inserting in lieu tbereof the words: "above the top wire."

Also by striking out the words: "three and one-half," and inserting in lieu thereof the word "four."

Also by striking out all after the word "Provided" in line twenty, down to and including the word "Act" in line twenty-three, and insert in lieu thereof the words: "That when a board is used it shall not be less than one and one-quarter inches in thickness."

Also amend section two by striking out the word "to" before the word "keep."

On motion of Mr. Johnson, the title was amended so as to read as follows:

"An act supplementary to an act regulating enclosures and to prevent the trespassing of animals," approved Jan. 10, 1867.

On motion of Mr. Wilmot, the following amendment to section three was adopted. "Provided that Idaho county shall be exempt from the provisions of this act."

On motion of Mr. Johnson, the bill was re-committed to the committee on agriculture for further amendment to section three.

At 2:45 P. M., the President announced that he was about to sign Council Bill No. 18, "An act concerning hogs found trespassing in certain counties of Idaho Territory."

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following report:

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined, and found correctly enrolled, Council Bill No. 18, relating to the trespassing of hogs in the counties of Ada, Nez Perce, Oneida, Alturas, Bear Lake, Lemhi, and part of Washington, and have at this day, at 2:45 P. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

On motion, the Council adjourned until 10 o'clock A. M., Saturday, Jan. 22, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FORTY-FIRST DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 22, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson and Peck.

Prayer by the Chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Dilley, by leave, introduced the following Council Bill:

Council Bill No. 38, "An act to authorize the county commissioners of Alturas county to grant a salary to the probate judge of said county." Read first and second times, and referred to the committee on judiciary.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Johnson, from the committee on free conference upon House amendments to Council Bill No. 13, relating to roads and highways, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 22, 1881.

Mr. President: Your committee of conference to whom was referred the matters in difference between the two Houses in relation to C. B. No 13, have met a like committee on the part of the House of Representatives, and the committees in conference have had the matters under consideration, and have agreed to most respectfully recommend that the Council recede from its disagreement to the House amendment in question to section 41, and that the House recede from the House amendment in question to section 46.

Respectfully submitted,

HAILEY,
BUDGE,
JOHNSON, } Committee.

On motion of Mr. Johnson, the report of the committee was adopted, and the Council receded from its dissent to the second amendment of the House of Representatives to section 41 of said bill.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, by unanimous consent presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 22, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 36, "An act regulating the salary and fees of the probate judge of Owyhee county," have had the same under consideration, and herewith report the same back, with two amendments to Section one, and respectfully recommend the passage of the bill as amended.

JOHNSON, Chairman.

On motion of Mr. Johnson, the rules were suspended

Council Bill No. 36 taken up, the amendments thereto adopted, and the bill ordered engrossed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Poe, and Mr. President.

Absent—Messrs. Anderson, Peck, and Wilmot.

INTRODUCTION OF BILLS.

Mr. Dilley, by leave, introduced the following Council Bill:

Council Bill No. 39, "An act to amend an act entitled An act defining the duties and fees of county officers," approved Jan. 13, A. D. 1871.

Read first and second times and referred to the committee on finance.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 22, 1881.

Mr. President: Your committee, on judiciary, to whom was referred C. B. No. 38, "An act to authorize the county commissioners of Alturas county to grant a salary to the probate judge of said county," have had the same under consideration, and herewith report the same back with a substitute for the first section, and respectfully recommend the passage of the bill as amended by the said substitute.

JOHNSON, Chairman.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 22, 1881.

Mr. President: Your committee on engrossed bills, to whom was referred Council Bill No. 36, have carefully examined said bill, and report the same as correctly engrossed.

COBB, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY.
BOISE CITY, Jan. 22, 1881.

To the Hon. President of Council,

Sir: I have this day approved Council Bill No. 30, "To prohibit the keeping of places of resort for smoking opium."

Council Bill No 6, "To amend an act entitled An act to regulate proceedings in criminal cases in the courts of justice in the Territory of Idaho," approved Jan. 14, 1875. Council Bill No. 18, "Regulating hogs found trespassing in the counties of Ada, Nez Perce, Oneida, Alturas, Bear Lake, Lemhi, and a part of Washington, in the Territory of Idaho, and Council Bill No. 26, "To provide for branch county jails in Alturas county."

Very Respectfully,
Your ob't s'v't,
J. B. NEIL, Governor.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 21, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has directed me, in obedience to the request of the Hon. Council, to inform your Hon. body that the House has appointed Messrs. Hart and Gray a committee of conference on House amendments to Council Bill No. 22, relating to district attorneys in the organized counties of this Territory.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 21, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, and passed House substitute for House Bill No. 17, "An act to provide for the better maintenance of the indigent, sick, idiotic, and insane in the Territory of Idaho, and respectfully ask the concurrence of the Hon. Council thereto.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 22, 1881.

Mr. President: I am directed to inform your Honor-

able body that the House of Representatives have had under consideration House Joint Memorial No. 8, praying for an appropriation to defray the expenses of the extra session, have passed the same, and herewith transmit said memorial for the consideration of the Hon. Council.

Respectfully,

A. J. BORLAND, Assistant Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 22, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has this day receded from its second amendment to section 46, of Council Bill No. 13, An act relating to roads, highways, etc. The House has also had under consideration and passed H. B. No. 36, "An act to tax dogs in towns and cities in Idaho Territory," and respectfully ask the concurrence of the Hon. Council thereto, which are herewith transmitted.

Respectfully,

T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 22, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed C. B. No. 28, "An act to amend an act to provide a uniform system of Territorial and county revenue," which is herewith transmitted.

Respectfully,

A. J. BORLAND, Assistant Chief Clerk.

HOUSE BILLS.

House Bill No. 17, "An act to amend an act entitled An act to provide for the better maintenance of the indigent sick, idiotic, and insane in the Territory of Idaho," was taken up, read first and second times, and referred to the committee on Territorial affairs.

House Bill No. 36, "An act to tax dogs in the towns and cities of Idaho Territory," was taken up, read first and second times, and referred to the committee on finance.

House Joint Memorial No. 8, relating to an appropriation to defray the expenses of the additional 20 days of the session of the Legislature, was taken up, read first and second times, and referred to the committee on finance.

BILLS ON THIRD READING.

Council Bill No. 36, "An act to regulate the salary and fees

of the probate judge of Owyhee county," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President—10.

Nays—none.

Absent—Messrs. Anderson and Wilmot.

So the bill passed.

GENERAL FILE.

Council Bill No. 38, "An act to authorize the county commissioners of Alturas county to grant a salary to the probate judge of said cdunty," was taken up, the amendment thereto reported by the judiciary committee, adopted, and the bill ordered engrossed.

MISCELLANEOUS.

Mr. Johnson, by permission, presented a communication from James T. White & Co., submitting a proposition for supplying Appleton's school books, under a term of adoption of four years, in the Territory of Idaho.

The communication was read and on motion of Mr. Johnson, the consideration thereof was indefinitely postponed.

On motion of Mr. Poe, the chief clerk was instructed to call upon the chief clerk of the House of Representatives and ascertain why Council Bill No. 13, "An act relating to roads and highways," had not been transmitted to the Council with the House message relating thereto.

On motion, the Council adjourned until Monday, January 24, 1881, at 10 o'clock A. M.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FORTY-THIRD DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 24, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson and Peck.

Prayer by the chaplain.

Journal of Saturday, Jan. 22, 1881, read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Cobb, from the committee on finance, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 24, 1881.

Mr. President: Your committee on finance, to whom was referred House Bill No. 36, "An act to tax dogs in towns and cities in Idaho Territory," would respectfully report the same back, with amendments, and recommend its passage as amended.

COBB, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 24, 1881.

Mr. President: Your committee on finance, to whom was referred Council Bill Nor 39, "An act to amend an act entitled An act defining the duties and fees of county officers," approved Jan. 13, A. D. 1871, have had the same under careful consideration, and would respectfully recommend that it do pass.

COBB, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 24, 1881.

Mr. President: Your committee on finance, to whom was referred House Joint Memorial No. 8, would respectfully report the same back, and recommend that it do pass.

COBB, Chairman.

GENERAL FILE.

House Bill No. 36, "An act to tax dogs in towns and cities in Idaho Territory," was taken up, and on motion of Mr. Peck was referred to a special committee to be appointed by the chair, of which the President of the Council shall be chairman.

At 10:37 A. M., the President announced that he was about to sign House Bills Nos. 4, 46 and 51, and House Memorial No. 7.

Council Bill No. 39, "An act to amend an act entitled An act defining the duties and fees of county officers," approved Jan. 13, A. D. 1871, was taken up for consideration.

Mr. Johnson in the chair.

Mr. Hailey moved that the bill be indefinitely postponed; and the question being, Shall the bill be indefinitely postponed?

The ayes and nays were called:

Ayes—Messrs. Johnson, Murray, Peck, Wilmot, and Mr. President—5.

Nays—Messrs. Budge, Cobb, Cowen, Dilley, Morrison, and Poe—6.

So the Council refused to indefinitely postpone the bill.

President Hailey in the chair.

Mr. Johnson moved to further amend section 10 as follows:

Strike out in line 24 the words "one dollar," and insert in lieu thereof the words "fifty cents."

Strike out the word "whether" in line 27.

Insert after the word "examination" in line 28 the words "where an examination is not waived;" and insert after the word "trial" in line 28 the words "upon an issue of fact;" also insert after the word "dollars" in line 28 the words "where an examination is waived or there is a plea of guilty, three dollars."

Amendments adopted, and bill re-committed to the committee on finance with instructions to arrange the amendments in their proper order.

House Joint Memorial No. 8, relating to an appropriation to defray the expenses of the additional twenty days of the Legislative Assembly, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called.

Ayes—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Anderson.

So the Memorial passed.

SPECIAL ORDER.

Council Bill No. 35, "An act to amend an act entitled An act creating and organizing the county of Cassia," approved Feb. 20, 1879, having been made the special order for this hour, was taken up for consideration, and on motion of Mr. Cobb, the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Budge, Cobb, Cowen, Johnson, Murray, Poe, Wilmot, and Mr. President—8.

Nays—Messrs. Morrison, and Peck.

Absent—Messrs. Anderson and Dilley.

So the bill passed.

Mr. Johnson moved to reconsider the vote by which Council Bill No. 35 was passed.

Motion lost.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Cobb, Dilley, Johnson, Morrison, Murray, Poe, Wilmot, and Mr. President.

Absent—Messrs. Budge, Cowen, and Peck.

INTRODUCTION OF BILLS.

Mr. Dilley, by leave, introduced the following Council Bill:

Council Bill No. 40, "An act defining the duties of the Treasurer of Alturas county."

Read first and second times, rules suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Morrison, Murray, Poe, Wilmot, and Mr. President—10.

Nays—none.

Absent—Mr. Peck.

Mr. Johnson, by leave, was excused from voting.

So the bill passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Poe, from the committee on Territorial affairs, presented the followlng report:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 24, 1881.

Mr. President: Your committee on Territorial affairs, to whom was referred H. B. No. 17, "An act to amend an act entitled An act to provide for the better maintenance

of indigent sick and insane persons in the several counties of this Territory," have had said bill under consideration, and hereby report the same back, and very respectfully recommend that it do pass.

POE, Chairman.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 24, 1881.

Mr. President: Your committee on engrossed bills, to whom was referred C. B. No. 38, have carefully examined said bill, and report the same as correctly engrossed.

COBB, Chairman.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 24, 1881.

Mr. President:

Sir: I have the honor to transmit herewith the number and title of House Bills approved by His Excellency, John B. Neil, Governor.

Respectfully,
A. J. BORLAND, Assistant Chief Clerk.

House Bill No. 4, "To amend Section 56 of an act entitled, an act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting of the same." Approved January 15, 1875. Approved Dec. 30, 1880.

House Bill No. 1, Fixing the salary of the assessor of the county of Nez Perce. Approved, Dec. 30, 1880.

House bill No. 13, relating to road contracts in Boise county.

House Memorial No. 1.

House Memorial No. 4.

House Bill No 8, "To create a contingent fund in Shoshone county. Approved Jan. 8, 1881.

House Bill No. 16, "Regulating the salary of certain officers in Washington county."

House Bill No. 24, "Fixing the salaries of certain officers of Oneida county." Approved Jan. 15, 1881.

House Bill No. 43, "To repeal an act to incorporate Franklin City in Oneida county." Approved Jan. 10, 1873. Approved Jan. 15, 1881.

House Bill No 29, "Relating to insurance companies." Approved Jan. 22, 1881.

BILLS READY FOR THIRD READING.

Council Bill No. 38, "An act to authorize the county commissioners of Alturas county to grant a salary to the probate judge of said county," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Peck.

So the bill passed.

GENERAL FILE.

House Bill No. 17, "An act to amend an act entitled An act to provide for the better maintenance of indigent sick, idiotic and insane persons in the several counties of this Territory," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Poe, Wilmot, and Mr. President—11.

Nays—None.

Absent—Mr. Peck.

So the bill passed.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Dilley in the chair.

Mr. Hailey, from the special committee appointed under Council Resolutions Nos. 4 and 5, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 24, 1881.

To the Hon. Council of the Legislative Assembly of the Territory of Idaho:

Your special committee, to whom was referred Council Resolutions Nos. 4 and 5, authorizing and directing an investigation into the authority by which the Territorial controller issued warrants for certain newspapers, as shown by said controller's report, also to investigate the manner in which the Territorial printing has been let and done for the past four years, and for the present year, hereby respectfully report as follows:

Your committee find that the Territorial controller has issued warrants for the payment of the following named newspapers furnished the Territorial library upon certificates of the Territorial secretary, to wit:

Jan. 4, 1879, J. S. Hay	for Idaho Avalanche,	$5.00
Jan. 13, 1880, J. S. Hay	" " "	5.00
Jan. 10, 1881, Newcomb & Adams	" " "	5.00
Jan. 10, 1879, Heman Jones	" Idaho World,	8.00
		$23.00

making a total of $23.00 issued upon certificates of said secretary.

And we find that said controller has issued warrants in payment of the following newspapers without any such certificates, and consequently without authority of law, to wit:

Jan. 9, 1880, Heman Jones, for Idaho World,	$ 8.00
Jan. 7, 1880, Milton Kelly, for Idaho Statesman,	24.00

making a total issued without certificates, of $32.00.

Upon examination into the mode and manner of awarding contracts for Territorial printing, we find that the controller has kept no record of bids or awards for the Territorial printing, but had, and exhibited to us, the following bids and awards, to wit:

For year 1878, Milton Kelly's bid was $645.00; Boyakin & Pile, $600.00; J. A. Pinney & Co., $500.00. Contract awarded to J. A. Pinney & Co.

For year 1879, there appears to have been but two bids made, at least, there is no evidence of any more bids, to wit: J. R. Pile, $1,000.00; Milton Kelly, $995.00. Contract awarded to Milton Kelly for $995.00.

For the year 1880 Joseph Bury's bid was $650.00; Homer Kelly, $300.00. Contract awarded to Homer Kelly for $300.00.

For year 1881, we find two bids, one bearing date Sept. 1, 1880, offering to do public printing for $600.00; the other bearing date Sept. 4, 1880, offering to do public printing for $925,00; both of said bids are signed by Milton Kelly.

The one dated Sept. 4 shows that the date has been changed, and the one bearing date Sept. 1, is couched in such ambiguous terms as to render it uncertain as to whether the bid was intended for the year 1880 or 1881.

The contract however for the year 1881 was awarded to Milton Kelly for $925.00.

So far as concerns the execution and delivery of the bond

required by the statute to be given by the successful bidder to whom a contract is awarded for doing the Territorial printing, your committee find that the controller in both the case of Homer and Milton Kelly has absolutely ignored the law and permitted both of said parties to do said printing, and has issued warrants in payment for the same without the requisite bond required to be filed within ten days after the award.

Your committee further find, that on or about Tuesday last, and after appointment of your committee, and not until then, both the papers exhibited to them purporting to be the bonds of H. H. and Milton Kelley, were executed, That of H. H. Kelly, being dated Sept. 6, 1879, and that of Milton Kelley, dated Sept. 10, 1880. Milton Kelly having signed the name of H. H. Kelly to the paper purporting to be the bond of H. H. Kelly.

Your committee also find that said controller, contrary to the facts in the case, wrote the following words on what purported to be the bond of H. H. Kelly, to-wit:

Approved Sept. 6, 1879.

JOS. PERRAULT, Ter. Controller.

And upon the spurious bond of Milton Kelly the following words, to-wit:

BOISE CITY, Idaho, Sept. 10, 1880.

Approved by me this day.

JOS. PERRAULT, Ter. Controller.

The following is a synopsis of the testimony given before your committee in regard to said bonds and the subject-matter of Territorial printing, to-wit:

Milton Kelly, being duly sworn, was shown paper purporting to be his bond for Territorial printing for year 1881; after examination of papers, said:

"This is my signature. I signed the bond a few days ago, Monday or Tuesday last. It was approved after it was signed, on the same day. I signed the name of H. H. Kelly to the bond last Tuesday. (Referring to bond of H. H. Kelly of date Sept. 6, 1879.)

"There was some little conversation between Pile and myself in regard to the printing, as to the bids.

"I think about $600 a fair price for printing blanks; at the last bidding no other bid was in there."

J. R. Pile being duly sworn, said: "I put in bid for Territorial printing, dated Sept. 9, 1878, for printing for year 1879. Judge Kelly gave me one hundred dollars to let him know how much I had put my bid in for. Judge

Kelly told me that he was going to put in two bids, one for himself and the other for Homer. Contract for 1879 was awarded to Milton Kelly. I am not positive whether he gave me the $100 to put in the $1000 bid, or whether he came to me after I had put the bid in and gave me the $100 I to tell him how much had put in my bid for."

Jas. A. Pinney being sworn, says: "I recognize this paper as my bid. (Bid hown witness.) The printing for 1878 was awarded to me on this bid. I was present when bids were opened. Recognize the bond before me. I think the bond was required and executed on the same day that the contract was let. I filled the contract within the time required. I had the printing done East. I had enough printing done to duplicate the contract. I sold the remainder to Milton Kelly. My recollection is that he paid me ($300) dollars for the blanks. At the time I sold him the blanks I agreed to make out a bid in my own name for the benefit of Kelly, for the next year's printing. The bid was for $500, and for Kelly's use and benefit. I handed the bid to Kelly. Do not know whether he put the bid in. It was not here. My putting in the bid made a personal enemy of Kelly, and I concluded if I could get out smoothly, I would make no more bids. Had not Mr. Perrault been so closely related to Kelly, I would have made other bids for the printing, but Kelly seemed to have a lien on the printing, and I would not interfere. At the time I got the contract Territorial warrants were only worth 85 cents on the dollar."

Joseph Pinkham being sworn, says: "Kelly asked me to go on the bond. I signed it. Think it was Monday morning, last. It was not approved when I signed it. It was done at the request of Judge Kelly."

James Bush sworn: "Is this your signature to the bond?" (bond shown witness). Date app. Sept. 10, 1880.

Ans.—"It is. I signed the bond not long since. I think it was signed not to exceed one week ago. I signed this paper at the same time" (bond shown witness) date app. Sept. 6, 1879.

"Was there any approval to the bond when you signed it?"

Ans.—"Don't think there was any. I signed it Monday or Tuesday, at request of Mr. Kelly. Mr. Perrault was not present. Baker, the witness, was not present when I signed it."

Joseph Perrault, sworn: "Witness was shown the bond of H. H. Kelly, dated Sept. 6th, 1879. Recognized his own

signature. Approved the said bond. I do not know whether it is H. H. Kelly's signature to this bond. I got the bond some time this month (witness shown bond of Milton Kelly). It came into my possession at the same time that the bond of H. H. Kelly was received by me. It was after Gen. Hinley spoke to me about the bond. I wrote the approval on the bonds after receiving them. I think that it is worth from $600 to $700 for printing all the blanks required by the Territory for one year. Milton Kelly's bond for doing the Territorial printing was not filed with me when Hinley called at my office, which was in the fore part of this week.

John Huntoon, sworn: "Was shown bids upon which contract for printing for year 1881 was let. Said—did not remember of ever seeing it before. Judge Kelly was present when bid was opened. No other person was present. Should judge that I could get all the printing done necessary for the Territory for about $250, back east, and that it would cost about $50 more for transportation, making in all about $300 per year."

Your committee also find upon the bid of J. A. Pinney & Co., upon which the contract was awarded, endorsed as follows:

The above bid for Territorial printing accepted;

JOHN HUNTOON, Ter. Treasurer.
JOSEPH PERRAULT, Ter. Controller.

August 28, 1877.

And this is the only bid your committee has found that bears any evidence of having been accepted.

Your committee also find that the said J. A. Pinney & Co. were required, and did at the time, the said contract was awarded to them, execute and deliver a bond for the faithful performance of their contract.

And your committee, after a careful investigation of the subject-matter submitted to them, are of the firm opinion that there is now, and has been, a collusion between the Territorial controller and one Milton Kelly, his father-in-law, for the purpose of surreptitiously extracting a much larger amount of money out of the Territorial treasury for the Territorial printing than said printing is worth, and your committee wish here to express their unqualified condemnation of the acts of said controller and said Kelly.

Your committee would most respectfully recommend that the present so-called contract, pretended to have been entered into with one Milton Kelly, for doing the territo-

rial printing for year 1881, be declared void for failure to execute bond within the time prescribed by law.

Your committee further recommend the repeal of the law in relation to the letting of the Territorial printing by contract; and that this Legislature enact a law in lieu thereof, making it the duty of the Territorial printer to do such printing as is now let by contract at a fixed price, say not to exceed $500.

All of which is respectfully submitted.

HAILEY,
MURRAY,
BUDGE,
POE,
} Committee.

On motion of Mr. Johnson, the report was adopted.

On motion of Mr. Peck, the report was ordered printed.

On motion, the Council adjourned until 10 o'clock A. M., Tuesday, Jan. 25, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FORTY-FOURTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 25, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Dilley, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson, Cowen, and Johnson.

Prayer by the Chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Cobb, on behalf of the committee on finance, by leave, introduced the following Council Bill:

Council Bill No. 41, "An act to provide a uniform system of territorial and county revenue, and for the assessing and collecting the same." Read first and second times, and referred to the committee on judiciary.

Mr. Dilley in the chair.

Mr. Hailey, by leave, introduced the following Council Bill:

Council Bill No. 42, "An act to dissolve the bonds of matrimony between Mary Heed and Albert Heed, her husband." Read first and second times, and referred to the committee on judiciary.

Mr. Johnson, by leave, introduced the following Council Bill:

Council Bill No. 43, "An act to create the independent school district of Boise City, and to provide for the establishing and maintaining a graded public school therein." Read first and second times, and referred to the committee on education.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 24, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. B. No. 56, "An act to provide for the payment of certain outstanding warrants against the general road fund of Idaho county." Also H. B. No. 38, "An act to amend an act creating the board of county commissioners and defining their duties and powers," approved Jan. 15, A. D. 1875. Also C. B. No. 29, "An act in relation to the publication of the resources of Idaho." Also C. B. No. 36, "An act in relation to the salary and fees of probate judge of Owyhee county," which are herewith transmitted.

Respectfully,

A. J. BORLAND,
Assistant Chief Clerk.

HOUSE BILLS.

House Bill No. 38, "An act entitled an act to amend an act creating the board of county commissioners, and defining their duties and powers," approved Jan. 15, 1875, was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 56, "An act to provide for the payment of certain outstanding warrants against the general road fund of Idaho county," was taken up and read first and second times.

Mr. Johnson moved to amend said bill by striking out the words, "are hereby repealed," in section three, and inserting in lieu thereof the words, "shall not apply to Idaho county."

Amendments adopted.

On motion of Mr. Poe, the rules were suspended. House Bill No. 56 read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Budge, Cobb, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President—9.

Nays—none.

Absent—Messrs. Anderson, Cowen, and Wilmot.

So the bill passed.

SPECIAL ORDER.

Council Bill No. 33, "An act to better define the boundary line between the county of Oneida and the county of Cassia, and to re-establish the boundary line between the county of Alturas and the county of Cassia," having been made the special order for this hour, was taken up for consideration, and on motion of Mr. Dilley, was indefinitely postponed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Cobb, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson, Budge, and Cowen.

REPORTS FROM STANDING COMMITTEES.

Mr. Cobb, from the committee on finance, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 25, 1881.

Mr. President: Your finance committee, to whom was referred C. B. No. 39, "An act to amend an act entitled An act defining the duties and fees of county officers," approved January 13th, A. D. 1871, have had the same under consideration and fixed the amendments thereto, and recommend that it do pass as amended.

COBB, Chairman.

GENERAL CALENDAR.

Council Bill No. 39, reported back by the finance com-

mittee, was taken up, and on motion of Mr. Cobb, ordered engrossed.

MISCELLANEOUS.

At 2:10 P. M., the President announced that he had signed House Joint Memorial No. 8, relating to an appropriation to defray the expenses of the additional twenty days of the legislative session.

On motion, the Council took a recess until 4 o'clock P. M.

The Council resumed its session at 4 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson, Cobb, and Cowen.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 25, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed substitute for H. B. No. 26, "An act to amend section seventy-seven of the revenue law of Idaho Territory." Also H. B. No. 59, "An act to change the name of Mary A. Boone to Mary A. Tucker." Also has had under consideration C. B. No. 19, "An act to amend section twelve of an act entitled an act concerning crimes and punishments," and have passed a substitute therefor. Also has had under consideration and passed H. B. No. 58, "An act fixing the salary of the sheriff and auditor of Washington county," and respectfully ask the concurrence of the Council therein. All of said bills are herewith transmitted. I am also directed to inform you that His Excellency, John B. Neil, Governor, has this day approved the following House Bills: H. B. No. 45, "An act creating a contingent fund in Cassia county." Also H. B. No. 51, "An act regulating the salary of the probate judge of Custer county;" and H. B. No 46, providing for the indigent insane of the Territory of Idaho.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No 59, "An act to change the name of Mary

A. Boone to Mary A. Tucker," was taken up, read first and second times, and laid on the table.

House Bill No. 58, "An act fixing the salary of the sheriff and auditor of Washington county," was taken up, read first and second times, and referred to the committee on judiciary.

House substitute for House Bill No. 26, "An act to amend section 77 of the revenue law of Idaho Territory," was taken up, read first and second times, and referred to the committee on finance.

House substitute for Council Bill No. 19, "An act to amend section 12 of an act entitled An act concerning crimes and punishments," approved Jan 14, 1875, was taken up, read first and second times, and referred to the committee on judiciary.

INTRODUCTION OF BILLS.

Mr. Dilley, by unanimous consent, introduced the following Council Bill:

Council Bill No. 44, "An act authorizing the auditor of the county of Alturas to issue new warrants in lieu of certain old ones."

Read first and second times, rules suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Budge, Cobb, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—10.

Nays—none.

Absent—Messrs. Anderson and Cowen.

So the bill passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 25, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 38, "An act entitled An act to amend an act creating the board of county commissioners, and defining their duties and powers," approved January 15, 1875, have had the same under consideration, and herewith report the same back, with a substitute for the first section,

and recommend that as amended by the substitute, the bill, after correction of the title, pass.

JOHNSON, Chairman.

On motion, the Council adjourned until 10 o'clock A. M. Wednesday, January 26, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FORTY-FIFTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 26, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson and Budge.

Prayer by the chaplain.

Journal of yesterday read and approved.

At 10:12 A. M., the President announced that he was about to sign Council Bill No. 28, "An act to amend an act entitled An act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," approved Jan. 15, 1875; and Council Bill No. 31, "An act to amend an act entitled An act to incorporate Boise City, in Ada county," approved Jan. 11, 1866.

INTRODUCTION OF BILLS.

Mr. Morrison, by leave, introduced the following Council Bill:

Council Bill No. 45, "An act to dissolve the bonds of matrimony between N. B. Robertson and Mary C. Robertson, his wife."

Read first and second times, and referred to the delegation from Oneida county.

Mr. Johnson, by leave, introduced the following Council Bill:

Council Bill No. 46, "An act supplementary to an act entitled An act concerning chattel mortgages," approved Jan. 12, 1875.

Read first and second times, and referred to the committee on judiciary.

At 10:16 A. M., the President announced that he was about to sign House Bill No. 17, "An act to amend an act entitled An act to provide for the better maintenance of indigent sick, idiotic, and insane persons" in the several counties of this Territory; and House Bill No 53, "An act to restrain the herding of sheep in Bear Lake county."

RESOLUTIONS.

Mr. Johnson, by unanimous consent, offered the following resolution:

COUNCIL RESOLUTION NO. 7.

Resolved, That the chairman of the several committees of the Council have authority to administer oaths, and that the several committees have authority to subpœna witnesses and take their testimony in any matter referred to the committee.

Resolution adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on education, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 26, 1881.

Mr. President: Your committee on education, to whom was referred C. B. No. 43, "An act to create the independent school district of Boise City, and to provide for establishing and maintaining a graded public school therein," have had the same under consideration, and herewith report the same back, and respectfully recommend that the bill do pass.

JOHNSON, Chairman.

GENERAL CALENDAR.

House Bill No. 38, "An act entitled An act to amend an act creating the board of county commissioners, and defining their duties and powers," approved Jan. 15, 1875, was taken up, the Council substitute therefor adopted, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.
So the bill passed.
Mr. Dilley in the chair.
Council Bill No. 53, "An act to create the independent school district of Boise City, and to provide for establishing and maintaining a graded public school therein," was taken up for consideration.
Mr. Hailey moved to amend said bill by inserting in the blanks in section 2, the names of Christopher W. Moore, Hosea B. Eastman, John Lemp, Peter J. Pefly, Charles Himrod, and Richard Z. Johnson.
Amendments adopted, rules suspended, bill considered, engrossed, read a third time, and placed upon its final passage.
The question being, Shall the bill pass?
The ayes and nays were called.
Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.
Nays—none.
So the bill passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 26, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 42, "A bill to authorize the recording of United States land and mining patents," have had the same under consideration, and respectfully report a substitute therefor, and recommend the passage of the substitute.

JOHNSON, Chairman.

Council substitute for House Bill No. 42 adopted; rules suspended, substitute read a third time, and placed upon its final passage.
The question being, Shall the bill pass?
The ayes and nays were called.
Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.
Nays—None.
Absent—Mr. Dilley.
So the bill passed.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 26, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 46, "An act supplementary to an act entitled An act concerning chattel mortgages," approved January 12, 1875, have had the same under consideration, and respectfully report the same back with an amendment, and recommend that the bill as amended do pass.

JOHNSON, Chairman.

Amendments to Council Bill No. 46 adopted, and bill ordered engrossed.

Mr. Johnson, from the judiciary committee, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 26, 1881.

Mr. President: Your committee on judiciary, to whom was referred House substitute for C. B. No. 19, "An act to amend section twelve of an act entitled An act concerning crimes and punishments," approved January 14, 1875, have had the same under consideration, and herewith report the same back, and respectfully recommend that the Council do not concur in the substitute, and ask for a free conference upon the subject-matter in difference.

JOHNSON, Chairman.

Rules suspended, report taken up and adopted.

The President announced Messrs. Anderson and Poe as a committee on free conference on the part of the Council, upon the matters in difference between the two Houses upon House substitute for Council Bill No. 19.

The President announced Messrs. Budge and Wilmot as the special committee to whom shall be referred House Bill No. 36, "An act to tax dogs in towns and cities in Idaho Territory."

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.
President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, John-

son, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Dilley.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 26, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. B. No. 52, "An act legalizing certain records in Lemhi county," which is herewith transmitted for the consideration of the Hon. Council.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No. 52, "An act legalizing certain records in Lemhi county," was taken up, read first and second times, and referred to the committee on judiciary.

On motion, the Council took a recess until 4 o'clock P. M.

The Council resumed its session at 4 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 26, 1881.

Mr. President: Your Committee on judiciary to whom was referred H. B. No. 52, "An act legalizing certain records in Lemhi county," have had the same under consideration, and herewith report the same back, and respectfully recommend its passage.

JOHNSON Chairman.

On motion of Mr. Johnson, House Bill No. 52 was taken up, the rules suspended, bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Peck, Poe, Wilmot, and Mr. President—10.

Nays—none.

Absent—Messrs. Budge, and Murray.

So the bill passed.

Mr. Poe, from the committee on judiciary, by unanimous consent, presented the following majority report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 26, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 33, "An act to regulate the right to the use of water for mining, agricultural, manufacturing and other purposes," have had said bill under consideration, and the undersigned, a majority of said committee, hereby report the same back, and very respectfully recommend that it do pass.

POE,
ANDERSON. } Committee.

On motion of Mr. Poe, Council Bill No. 33 was ordered engrossed.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 26, 1881.

Mr. President: Your committee on judiciary to whom was referred H. B. No. 58, "An act fixing the salary of sheriff and auditor of Washington county," have had the same under consideration, and herewith report the same back, with an amendment to section two, and respectfully recommend that the bill, as so amended, do pass.

JOHNSON, Chairman.

Amendments to House Bill No. 58, adopted, and bill further amended, on motion of Mr. Johnson, by striking out of the last section the words: "and approval by the Governor."

On motion of Mr. Johnson, the rules were suspended, House Bill No, 58 read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.—12.

Nays—none.

So the bill passed.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 26, 1881.

Mr. President: Your committee on enrolled bills beg leave to report that they have examined, and found correctly enrolled, Council Bill No. 31, to amend an act to incorporate Bose City, and Council Bill, No. 28, to amend an act entitled "An act to provide a uniform system of Territorial and county revenue," and have presented the same this day at 1:30 P. M. to the Governor for his approval.

BUDGE, Chairman.

On motion, the Council adjourned until 10 o'clock A. M. Thursday, Jan. 27. 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FORTY-SIXTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 27, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Anderson.

Prayer by the chaplain.

Journal of yesterday read and approved.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 27, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration, and passed C. B. No. 40, "An act defining the duties of the treasurer of Alturas county." Also H. B. No. 63, "An act regulating the salary and fees of the probate judge of Idaho county," which are herewith transmitted, and respectfully ask the concurrence of the Council to the latter bill. The House has also concurred in Council amendments to House Bill No. 38.

Respectfully,
A. J. BORLAND, Assistant Chief Clerk.

HOUSE BILLS.

House Bill No. 63, "An act regulating the salary and fees of the probate judge of Idaho county," was taken up, and read first and second times.

On motion of Mr. Poe, the rules were suspended, bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Dilley, from the delegation from Alturas county, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 27, 1881.

Mr. President: Your committee, the Alturas delegation, to whom was referred H. B. No. 50, "An act to provide for the re-location of the county seat of Alturas county," have carefully considered the same, and respectfully report the same back to the Council, with accompanying papers, without recommendation.

DILLEY, Alturas Delegation.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole for the consideration of House Bill No. 50, "An act to provide for the re-location of the county seat of Alturas county."

COMMITTEE OF THE WHOLE.

Mr. Peck in the chair.

Bill considered and passage recommended.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration House Bill No 50, and recommends the passage of the same.

Report adopted, and bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

REPORTS FROM STANDING COMMITTEES.

Mr. Cobb, from the committee on finance, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 27, 1881.

Mr. President: Your finance committee to whom was referred substitute for House Bill No. 26, "An act to amend section seventy-seven of the revenue law of Idaho Territory," have had the same under consideration, and report back, and recommend that said bill be referred to the committee of the whole.

COBB, Chairman.

Mr. Cowen, from the committee on agriculture, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 27, 1881.

Mr. President: Your committee on agriculture, to whom was referred House Bill No. 37, entitled "An act supplementary to An act regulating enclosures and to prevent the trespassing of animals," approved Jan. 10, 1867, have had the same under consideration and beg leave to report the same back to the Council with a substitute therefor, and recommend the adoption of the substitute.

COWEN, Chairman.

HOUSE BILLS.

House Bill No. 26, "An act to amend section 77 of the revenue law of Idaho Territory," was taken up, and on motion of Mr. Johnson, indefinitely postponed.

On motion of Mr. Johnson, the Council resolved itself

into committee of the whole, for the consideration of Council substitute for House Bill, No. 37, "An act supplementary to An act regulating enclosures, and to prevent the trespassing of animals," approved Jan. 10, 1867.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Bill considered, amended, and passage recommended as amended.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

The Chairman reported that the committee of the whole has had under consideration council substitute for House Bill No. 37, amended the same, and recommends its passage as amended.

Report adopted.

Mr. Johnson moved that the bill be read a third time and placed upon its final passage.

Ayes and nays demanded.

Ayes—Messrs. Anderson, Budge, Cobb, Johnson, Morrison, Peck, and Mr. President—7.

Nays—Messrs. Cowen, Dilley, Murray, Poe, and Wilmot—5.

Motion prevailed.

Bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Dilley, Johnson, Morrison, Peck, Poe, and Mr. President—9.

Nays—Messrs. Cowen, Murray, and Wilmot—3.

So the bill passed.

Mr. Poe gave notice of a motion to reconsider the vote by which Council substitute for House Bill No. 37 was passed.

On motion of Mr. Wilmot, the Council adjourned until 10 o'clock A. M. Friday, Jan. 28, 1881,

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FORTY-SEVENTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T. Jan. 28, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson and Peck.

Prayer by the chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Anderson, by leave, introduced the following Council Bill:

Council Bill No. 47, "An act better to secure the purity of elections, and provide for cases of contested election."

Read first and second times and referred to the committee on judiciary.

Mr. Poe, by leave, introduced the following Council Bill:

Council Bill No. 48, "An act to amend the charter of the city of Lewiston."

Read first and second times, and referred to the committee on judiciary.

At 10:26 A. M. the President announced that he was about to sign House Bill No. 56, "An act to provide for the payment of certain outstanding warrants against the general road fund of Idaho county."

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., January 28, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 42, "An act to dissolve the bonds of matrimony between Mary Heed and Albert Heed, her husband," have had the same under consideration, and most respectfully report, that in the opinion of your committee divorce legislation is impolitic and inexpedient. Bills to dissolve the bonds of matrimony involve questions of a judicial nature, to the investigation of which a legislative body, and its committees are not adapted.

Such applications, when made to the Legislature, are usually either *ex varte*, or by collusion, which is worse.

Chancellor Kent, in his Commentaries, says that "The question of divorce involves investigations which are properly of a judicial nature, and the jurisdiction over divorces *ought to be confined exclusively to the judicial tribunals*, under the limitations to be prescribed by law."

And Judge Cooley, in his "Constitutional Limitations," quotes this passage of the great Chancellor with approbation, and adds that "So strong is the general conviction of this fact, that the people in framing their constitutions, in a majority of the States, have positively forbidden any such special laws," and in a note he gives the constitutional provisions to this effect, in a very large majority of the States of the Union.

Judge Cooley also shows that many courts of last resort and of very high authority, "hold that divorce is a judicial act in those cases upon which the general laws confer on the courts power to adjudicate, and that consequently in those cases the Legislature cannot pass special laws."

This principle would bar most applications to us, as most, if not all, imaginable grounds of divorce are, in this Territory, referred to the courts by "An act regulating divorces". approved January 13, 1875, and there, both upon principle and authority they should be allowed to remain.

That is to say—the Legislature after having given this jurisdiction to the courts, and made ample provision for its exercise and its operation alike upon all, can only invade the jurisdiction by unnecessary and baneful encroachments upon a co-ordinate department of the government.

This power has been claimed for American legislatures, on the ground that it has been exercised from time immemorial by the Parliament of Great Britain. But it must be remembered that only within a very recent time has any court in England had jurisdiction to declare a divorce *a vinculo matrimonii*, and Mr. Cushing, in his "Law of Parliamentary Procedure," shows that the guards and restraints thrown around "divorce bills" in Parliament, to prevent fraud and collusion, are such as have never been thought of here—and such, that if we were to insist upon a tithe of them, every applicant would prefer the proper forum—a court of justice.

Indeed your committee are of the opinion that it is owing to an erroneous idea that legislative divorces are very

much a matter of favor that we are troubled with these applications at all.

That each application should be investigated, and whether made to a judicial court or to a legislature, should only be granted upon sufficient legal grounds, substantiated by competent and sworn testimony, need only be asserted to be admitted.

The mere wish or desire of one or both parties is no ground whatever for legislative action, more than for judicial.

Your committee, in the examination of the case submitted to them, have taken the evidence of witnesses produced before them in writing, and such evidence is herewith submitted.

Your committee is satisfied from the evidence that the case of this applicant is somewhat exceptional.

Her husband deserted her without just cause some five years since, and since that time has not contributed to her support, although for most of that time he resided in the same town with his wife and children, and the evidence tends to show that he has since assumed to marry another woman. Both parties are somewhat advanced in age. Both of the children of the union are now of the age of majority, and are themselves married.

There is no common property, and no questions of property arise.

According to the evidence, no blame whatever is attached to the applicant.

Your committee, therefore, respectfully recommend that the bill do pass.

JOHNSON, Chairman.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY I. T., Jan. 27, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. B. No. 55, "An act in relation to stallions running at large in Oneida county," which is herewith transmitted for the consideration of the Hon. Council. The House has also had under consideration and passed H. C. Resolution No. 7, which is herewith transmitted, and respectfully asks the concurrent action of the Hon. Council therein.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE RESOLUTIONS.

House Concurrent Resolution No, 7, requesting the committee on finance of the Council and the committee on ways and means of the House of Representatives, to report what has been done by them in pursuance of a Council Concurrent Resolution directing an investigation into the condition of affairs in the offices of the Territorial Controller and treasurer, was taken up, read first and second times, and on motion of Mr. Johnson, laid on the table.

HOUSE BILLS.

House Bill No. 55, "An act to prevent stallions from running at large in Oneida county," was taken up, read first and second times, and referred to the committee on agriculture.

GENERAL CALENDAR.

Mr. Cobb in the chair.

Council Bill No. 42, "An act to dissolve the bonds of matrimony between Mary Heed and Albert Heed, her husband," was taken up for consideration.

Mr. Hailey moved that the rules be suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

Pending the motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President.

Absent—Messrs. Budge and Wilmot.

Mr. Cobb in the chair.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Johnson, from the committee on free conference upon the matters in difference between the two Houses upon House amendments to Council Bill No. 22, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 28, 1881.

Mr. President: Your committee of conference to whom was referred the matters in difference between the two

Houses upon the dissent of the Council from the amendments proposed by the House of Representatives to C. B. No. 22, "An act creating the office of district attorney for each of the organized counties of Idaho Territory, and defining their duties and compensations," have met, in conference, a like committee on the part of the House, and have had said matters in difference under consideration.

Said conference has been unable to agree upon said matters. Your committee therefore respectfully recommend that the Council request a second free conference with the House upon said matters and appoint a committee of three members to conduct such conference on the part of the Council.

RICHARD Z. JOHNSON,
W. F. ANDERSON. } Committee.

RESOLUTIONS.

Mr. Johnson, by leave, offered the following resolution:

Council Resolution No. 8: Whereas the committee on free conference on Council Bill No. 22, appointed on the part of the Council, has this day submitted a report that they had met a like committee on the part of the House of Representatives, and had been unable to agree upon the matters in difference between the two Houses, now, therefore, be it

Resolved, That the House of Representatives be respectfully invited to another free conference on the same bill, and the matters of difference referred to, and that three members of the Council, viz: John Hailey, Henry Peck and W. F. Anderson, be appointed to represent this House in case such conference be granted by the House of Representatives, to meet such committee as may be appointed by said House.

Resolution adopted.

On motion, the clerk was instructed to notify the House of Representatives at once, by appropriate message, of the adoption of said resolution.

President Hailey in the chair.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY,
BOISE CITY, January 28, 1881.

To the Hon. President of the Council,

Sir: I have this day approved Council Bill No. 31, "To

amend an act entitled An act to incorporate Boise City, in Ada county," and Council Bill No. 28, "To amend an act entitled An act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same."

Very respectfully,
Your ob't s'v't,
J. B. NEIL, Governor.

Mr. Cobb in the chair.

The Council resumed consideration of the motion of Mr. Hailey to suspend the rules, consider engrossed Council Bill No. 42, "An act to dissolve the bonds of matrimony between Mary Heed and Albert Heed, her husband," and to read said bill a third time, and place the same upon its final passage.

Motion prevailed, and bill read a third time.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Morrison, Peck, Poe, and Mr. President—6.

Nays—Messrs. Cobb, Cowen, Johnson, Murray and Wilmot—5.

Mr. Dilley, by leave, was excused from voting.

So the bill passed.

At 3:48 P. M. the President announced that he was about to sign Council Bill No. 13, "An act relating to roads and highways;" Council Bill No. 29, "An act providing for the publication of the resources of Idaho;" and Council Bill No. 36, "An act regulating the salary and fees of the probate judge of Owyhee county."

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 28, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. B. No. 62, "An act to regulate the compensation of the clerk of the board of county commissioners of Nez Perce;" Also H. B. No. 49, "An act to amend An act relating to fences and trespasses in the counties of Nez Perce, Oneida and Idaho," approved Jan. 7, 1875, which are herewith transmitted for the consideration of the Hon, Council. The House has also had under consideration and passed C. B. No. 44, "An act authorizing the auditor of Al-

turas county to issue new warrants in place of certain old ones, which is herewith returned.

Respectfully,

A. J. BORLAND, Assistant Chief Clerk.

HOUSE BILLS.

House Bill No. 49, "An act to amend an act relating to fences and trespasses in the counties of Nez Perce, Oneida and Idaho," approved Jan. 7, A. D. 1873, was taken up, read first and second times, and referred to the committee on agriculture.

House Bill No. 62, "An act to regulate the compensation of the clerk of the board of county commissioners of Nez Perce county," was taken up and read first and second times.

On motion of Mr. Poe, the rules were suspended, the bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

INTRODUCTION OF BILLS.

Mr. Cobb, by unanimous consent, introduced the following Council Bill:

Council Bill No. 49, "An act for the preservation and improvement of a certain road in Owyhee county."

Read first and second times, and referred to the committee on judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan 28, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 47, "An act better to secure the purity of elections, and provide for cases of contested elections," have had the same under consideration, and herewith report the same back, and respectfully recommend that the bill do pass.

JOHNSON, Chairman.

On motion of Mr. Johnson, the rules were suspended,

Council Bill No. 47 read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion, the Council adjourned until 10 o'clock A. M. Saturday, January 29, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FORTY-EIGHTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 29, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the Chaplain.

Journal of yesterday read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 29, 1881.

Mr. President: Your judiciary committee, to whom was referred Council Bill No. 48, "An act to amend the charter of the city of Lewiston," have considered said bill, and hereby report the same back, and respectfully recommend that it do pass.

JOHNSON, Chairman.

On motion of Mr. Poe, the rules were suspended, Council Bill No. 48 was considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 29, 1881.

Mr. President: Your committee on enrolled bills beg leave to report that they have examined, and found correctly enrolled, Council Bill No. 13, "Regulating roads, highways, and public thoroughfares, in Idaho Territory;" Council Bill No. 29, authorizing the publishing of a work on the resources of Idaho; and Council Bill No. 36, "An act regulating the salary and fees of the probate judge of Owyhee county," and presented the same to the Governor yesterday at 4:30 P. M. for his approval.

BUDGE, Chairman.

On motion, the Council took a recess until 3 o'lock P. M.

AFTERNOON SESSION.

The Council resumed its session at 3 o'clock P. M.
President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Morrison.

REPORTS FROM STANDING COMMITTEES.

Mr. Cobb, from the committee on engrossed bills, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 29, 1881.

Mr. President: Your committee on engrossed bills, to whom was referred C. B. No. 33, have carefully examined the same and report it correctly engrossed.

COBB, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 29, 1881.

Mr. President: Your committee on engrossed bills to whom was referred C. B. No. 39, have carefully examined the same, and report it correctly engrossed.

COBB, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 29, 1881.

Mr. President: Your committee on engrossed bills, to whom was referred C. B. No. 46, have carefully examined the same, and report it correctly engrossed.

COBB, Chairman.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY,
BOISE CITY, January, 29, 1881.

To the Hon. President of the Council,

Sir: I have this day approved Council Bill No. 29, "Empowering the Governor of this Territory to contract for the publication of a work on the resources of this Territory, and Council Bill No. 36, "Regulating the salary and fees of the probate judge of Owyhee county.

Very respectfully,
Your ob't s'v't.
JNO. B. NEIL, Governor.

MESSAGE FROM THE HOUSE:

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 29, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration Council substitute for H. B. No. 37, "An act for the better protection of live stock," and amended the same, and adopted the substitute as amended, and respectfully ask the concurrence of the Hon. Council to said amendments. Also has had under consideration, and passed H. C. R. No. 8, "For the appointment of a joint committee of the two Houses on appointments," and respectfully ask the concurrence of the Hon. Council therein. All of said bills are herewith transmitted. I am also directed to inform you that the House of Representatives has appointed Messrs. Colloway, Hibbs, and Dempsey as a committee on the part of the House to confer with the like committee appointed by the Council, upon the differences between the two Houses in regard to the House amendments to C. B. No. 22, "An act relating to district attorneys, etc." I am further directed to inform you that His Excellency, John B. Neil, Governor, has approved the following House Bills: House Bill No. 53, "To restrain the herding of sheep in Bear Lake county." Also House Bill No. 56,

"To provide for the payment of outstanding warrants against the general road fund of Idaho county.

Respectfully,

A. J. BORLAND, Assistant Chief Clerk.

BILLS READY FOR THIRD READING.

Council Bill No. 46, "An act supplementary to an act entitled, An act concerning chattel mortgages," approved Jan. 12, 1875, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, and Mr. President—10.

Nays—none.

Absent—Mr. Wilmot.

Mr. Morrison, by leave, was excused from voting.

So the bill passed.

Council Bill No. 33, "An act to regulate the right to use of water for mining, agricultural, manufacturing, and other purposes," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Morrison, Murray, Peck, Poe, and Mr. President—10.

Nays—none.

Absent—Messrs. Johnson and Wilmot.

So the bill passed.

Council Bill No. 39, "An act to amend an act entitled, An act defining the duties and fees of county officers," approved Jan. 13th, A. D. 1871, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

At 3:22 P. M., the President announced that he was about to sign House bill No. 50, "An act to provide for the re-location of the County seat of Alturas county;" House Bill No. 52, "An act legalizing certain records in Lemhi county;"

House Bill No. 58, "An act fixing the salary of the sheriff and auditor of Washington county;" House Bill No. 62, "An act to regulate the compensation of the clerk of the board of county commissioners of Nez Perce county;" and House Bill No. 63, "An act regulating the salary and fees of the probate judge of Idaho county."

HOUSE BILLS.

House Bill No. 37, "An act supplementary to an act regulating enclosures, and to prevent the trespassing of animals," approved Jan. 10, 1867, was taken up, and the House amendment to the Council substitute therefor was concurred in.

House Concurrent Resolution No. 8, providing for the appointment of a joint committee of the two Houses to prepare and submit a bill to re-apportion the representation from the several counties of the Territory, was taken up, read and adopted.

On motion of Mr. Johnson, the President of the Council was appointed as a member of said committee.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Budge, from the special committee to whom was referred House Bill No. 36, "An act to tax dogs in Idaho Territory," by leave, made a verbal report, and submitted a substitute for said bill, and recommended the passage of the same.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole, for the consideration of Council substitute for House Bill No. 36.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Bill considered, amended, and passage recommended as amended.

The committee arose, and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration Council substitute for House Bill No. 36, amended the same, and recommends its passage as amended.

Report adopted, and substitute ordered engrossed.

On motion, the Council adjourned until 10 o'clock A. M., Monday, Jan. 31, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTIETH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 31, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the chaplain.

Journal of Saturday, Jan. 29, 1881, read and approved.

INTRODUCTION OF BILLS.

Mr. Anderson, by leave, introduced the following Council Bill:

Council Bill No. 50, "An act in relation to interest on money to become due in the county of Custer."

Read first and second times, and referred to the committee on finance.

REPORTS FROM STANDING COMMITTEES.

Mr. Cowen, from the committee on agriculture, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 31, 1881.

Mr. President: Your committee on agriculture, to whom was referred H. B. No. 49, entitled "An act to amend an act relating to fences and trespasses in the counties of Nez Perce, Oneida and Idaho," approved, Jan. 7, A. D. 1873, have examined the same, and beg leave to report the same back to the Council, and recommend its passage.

COWEN, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 31, 1881.

Mr. President: Your committee on agriculture to whom was referred H. B. No. 55, entitled "An act to prevent

stallions from running at large in Oneida county, have examined the same and beg leave to report the same back to the Council, and respectfully recommend its passage.

COWEN, Chairman.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 31, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. B. No. 69, "An act to amend an act entitled An act to allow valuable stallions kept for breeding purposes to run at large with the bands of their owners. Also substitute for H. B. No. 72, "An act to fill vacancies in the board of county commissioners of Lemhi county." Also H. M. No. 9, praying Congress for an increase in the number of Federal judges and of their compensation, all of which are herewith transmitted for the concurrence of the Hon. Council therein. The House has also had under consideration and passed Council Bill No. 38, "An act to authorize the county comty commissioners of Alturas county to grant a salary to the probate judge of said county, which is herewith transmitted. The House has also had under consideration and concurred in Council amendments to H. B. No. 38, "An act to amend an act relating to county commissioners."

Respectfully,

T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No. 69, "An act to amend an act entitled An act to allow valuable stallions kept for breeding purposes to run at large with the bands of their owner or owners," approved Feb. 20, 1879, was taken up, read first and second times, and referred to the committee on agriculture.

House Bill No. 72, "An act to fill vacancies in the board of county commissioners of Lemhi county, was taken up, read first and second times, and referred to the delegation from Lemhi county.

House Memorial No. 9, relating to an increase of the number of Federal judges in this Territory, and of their compensation, was taken up, read first and second times, and referred to the committee on judiciary.

GENERAL CALENDAR.

House Bill No. 49, "An act to amend an act relating to

fences and trespasses in the counties of Nez Perce, Oneida, and Idaho," approved Jan. 7, A. D. 1873, was taken up for consideration, and on motion of Mr. Johnson, section one thereof was amended by striking out the word "A" in fourth line, and also the word "post" in fifth line, and substituting in lieu of said last named word, the word "posts."

On motion of Mr. Poe, the bill was further amended by striking out the words "and Nez Perce counties" in section two, and substituting in lieu thereof the word "county."

On motion of Mr. Cowen, the bill was referred to the delegation from Oneida county for further amendment.

House Bill No. 55, "An act to prevent stallions from running at large in Oneida county, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

At 10:40 A. M. the President announced that he was about to sign Council Bill No. 11, "An act to establish a code of civil procedure for Idaho Territory;" Council Bill No. 40, "An act defining the duties of the treasurer of Alturas county."

On motion, the Council took a recess until 3 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 3 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Dilley.

INTRODUCTION OF BILLS.

Mr. Budge, by leave, introduced the following Council Bill:

Council Bill No. 51, "An act regulating the distribution of water for purposes of irrigation."

Read first and second times, and referred to the committee on agriculture.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Anderson, from the delegation from Lemhi county, to whom was referred House substitute for House Bill No. 72, reported the same back, with a verbal report, and recommended the passage thereof.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Jan. 31, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and amended C. B. No. 14, "An act establishing district courts in each of the organized counties of this Territory, and providing for the expenses thereof," and passed the said bill as amended, and respectfully ask the concurrence of the Hon. Council in said amendments.

Respectfully,
T. D. CAHALAN, Chief Clerk.

On motion of Mr. Anderson, the Council resolved itself into committee of the whole, for the consideration of House amendments to Council Bill No. 14.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Bill considered, and committee recommend that the Council concur in House amendments thereto.

The committee arose and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

The chairman reported that the committee of the whole has had under consideration House amendments to Council Bill No. 14, and recommends that the Council concur in the same.

Report adopted, and amendments concurred in.

Reports from special committees.

Mr. Anderson, from the delegation from Lemhi county, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 31, 1881.

Mr. President: Your committee, the delegation from Lemhi county, to whom was referred substitute for H. B. No. 72, have had the same under consideration, and report it back, and respectfully recommend the passage of the same.

W. F. ANDERSON.

GENERAL CALENDAR.

House substitute for House Bill No. 72, "An act to fill vacancies in the board of county commissioners of Lemhi county," was taken up, and on motion of Mr. Anderson, the rules were suspended, the bill was read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

At 3:33 P. M. the President announced that he was about to sign Council Bill No. 44, "An act authorizing the auditor of the county of Alturas to issue new warrants in lieu of certain old ones.

MESSAGE FROM THE SECRETARY.

EXECUTIVE DEPARTMENT, TERRITORY OF IDAHO,
OFFICE OF THE SECRETARY,
BOISE CITY, Jan. 31, 1881.

Sir: The Honorable Acting First Controller of the treasury has directed the annulling of all contracts for the printing for the present session of the Legislative Assembly, and that bids for the same be forwarded to his office. In accordance with these instructions, I have this day canceled the contract of my predecessor, and invited proposals for doing said printing. The law, and the instructions of the treasury department issued thereunder, requires the Territorial secretary to contract for the necessary printing for the Legislative Assembly to the extent of the appropriation made by Congress for that purpose. Upon application, I will feel authorized by these instructions to cause the necessary printing for the use of the Honorable body over which you preside, to be done.

Very respectfully, your ob't s'v't,
T. F. SINGISER, Territorial Secretary.

Hon. John Hailey,
President of the Council.

On motion of Mr. Johnson, the communication from the Secretary was laid on the table.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 31, 1881.

Mr. President: Your committee on enrolled bills, respectfully report that they have examined and found correctly enrolled Council Bill No. 11, "An act to establish a code of civil procedure for Idaho Territory." Also Council Bill No. 40, defining the duties of the treasurer of Alturas county, and have presented the same to the Governor this day at 10:45 A. M. for his approval.

BUDGE, Chairman.

On motion, the Council adjourned until 10 o'clock A. M., Tuesday, February 1st, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTY-FIRST DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 1, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Morrison, by leave, introduced the following Council Bill:

Council Bill No. 52, "An act for the removal of the county seat of Oneida county from Malad City to Oxford."

Read first and second times, and referred to a special committee, consisting of Messrs. Poe and Cowen.

REPORTS FROM STANDING COMMITTEE.

Mr. Cobb, from the committee on finance, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Jan. 31, 1881.

Mr. President: Your committee on finance, to whom

was referred Council Bill No. 50, "An act in relation to interest on money to become due in the county of Custer," have had the same under consideration, and report the same back with a substitute, and recommend the passage of the substitute.

COBB, Chairman.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 1, 1881.

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined, and found correctly enrolled, Council Bill No. 44, authorizing the auditor of the county of Alturas county to issue new warrants in lieu of certain old ones, and presented the same to the Governor yesterday, at 4 P. M., for his approval.

BUDGE, Chairman.

Mr. Cowen, from the committee on agriculture, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 1, 1881.

Mr. President: Your committee on agriculture, to whom was referred C. B. No. 51, entitled "An act regulating the distribution of water for purposes of irrigation," have examined the same, and beg leave to report the same back to the Council, and respectfully recommend its passage.

COWEN, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 1, 1881.

Mr. President: Your committee on agriculture, to whom was referred H. B. No. 69, entitled "An act to amend an act entitled An act to allow valuable stallions kept for breeding purposes to run at large with the bands of their owners," approved Feb. 20, 1879, have examined the same, and beg leave to report the same back to the Council, and recommend its passage.

COWEN, Chairman.

GENERAL CALENDAR.

Council Bill No. 50, "An act in relation to interest on money to become due in the County of Custer," was taken up, and the substitute reported therefor by the committee on finance, adopted in lieu of the original bill.

On motion, the rules were suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—Mr. Dilley—1.

So the bill passed.

House Bill No. 69, "An act to amend an act entitled An act to allow valuable stallions, kept for breeding purposes, to run at large with the bands of their owner or owners," approved Feb. 20, 1879, was taken up, and on motion of Mr. Johnson, the consideration thereof was postponed until the committee of agriculture shall have reported back Council Bill No. 4, an act similar in its provisions.

Council Bill No. 51, "An act regulating the distribution of water for purposes of irrigation," was taken up and the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Anderson.

So the bill passed.

INTRODUCTION OF BILLS.

Mr. Poe, by unanimous consent, introduced the following Council Bill:

Council Bill No. 53, "An act authorizing the building of a court house and jail at the city of Lewiston, the county seat of Nez Perce county, and to bond the county therefor.

Read first and second times, and referred to the committee on judiciary.

The President announced Messrs. Anderson and Wilmot to serve with himself, as a committee on apportionment to act with a like committee from the House of Representatives.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 1, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 41, "An act to amend an act entitled An act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," approved January 15, 1875, have had the same under consideration, and herewith report the same back, and respectfully recommend its passage.

JOHNSON, Chairman.

At 11:15 the President announced that he was about to sign House Bill No. 38, "An act entitled An act to amend an act creating the board of county commissioners, and defining their duties and powers," approved Jan. 15, 1875.

Council Bill No. 41, "An act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," was taken up, and the rules were suspended, and bill read a third time.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.
President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 1 1881.

Mr. President: I am directed to inform your Honorable body, that the House of Representatives has had under consideration, and passed, with amendments, C. B. No. 43, "An act to create the independent school district of Boise City, and to provide for establishing and maintaining a graded public school therein," and respectfully asks the concurrence of the Hon. Council in said amendments. The House has also had under consideration and passed. C. B. No. 48, "An act to amend the charter of the city of Lewiston." Also, H. B. No. 82, "An act to purchase, repair or construct a bridge across Bear river, in Oneida county," and respectfully ask the concurrence of the Hon. Council thereto. All of said bills are herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

REPORTS FROM STANDING COMMITTEES.

Mr. Cowen, from the committee on agriculture, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 1, 1881.

Mr. President: Your committee on agriculture, to whom was referred C. B. No. 4, entitled "An act to allow valuable stallions and unemasculated jackasses kept for breeding purposes to run at large with the bands of their owners, have had the same under consideration, and respectfully beg leave to report the same back to the Council, with House amendments thereto, and recommend that it do not pass.

COWEN, Chairman.

HOUSE AMENDMENTS TO COUNCIL BILLS.

Council Bill No. 43, "An act to create the independent school district of Boise City, and to provide for establishing and maintaining a graded public school therein, was taken up, and the House amendments thereto concurred in.

HOUSE BILLS.

House Bill No. 82, "An act to purchase and repair or construct a bridge across Bear river, in Oneida county, was taken up, read first and second times, and referred to the delegation from Oneida county.

A communication from A. J. Boyakin, Territorial printer, relating to printing, was read, and on motion of Mr. Johnson, laid on the table.

UNFINISHED BUSINESS.

Council Bill No. 41, "An act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same, having been read a third time, was placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 1, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 53, "An act authorizing the building of a court house and jail in Nez Perce, and to bond the county therefor," hereby report the same back and respectfully recommend that it do pass.

JOHNSON, Chairman.

On motion of Mr. Poe, the rules were suspended, Council Bill No. 53 was considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed:

At 2:20 P. M. the President announced that he was about to sign Council Bill No. 38, "An act to authorize the County Commissioners of Alturas county to grant a salary to the probate judge of said county."

On motion of Mr. Johnson the Council resolved itself into committee of the whole for the consideration of House Bill No. 69, and Council Bill No. 4, acts relating to the running at large of stallions.

COMMITTEE OF THE WHOLE.

Mr. Budge in the chair.

Bills considered, and the committee recommends the passage of House Bill No. 69, and the indefinite postponement of Council Bill No. 4.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

Report of the committee of the whole adopted in Council.

On motion of Mr. Poe, Council Bill No. 4 was indefinitely postponed.

House Bill No. 69, relating to the running at large of stallions, was read a third time and placed upon its final passage.

The question being, shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley,

Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

INTRODUCTION OF BILLS.

Mr. Johnson, by unanimous consent, introduced the following Council Bill:

Council Bill No. 54, "An act providing for the erection of a county court house and jail building, at Boise City," the county seat of Ada county.

Read first and second times, and referred to the committee on judiciary.

At 2:40 the President announced that he was about to sign House Bill No. 37, "An act relating to enclosures and the trespassing of animals."

On motion, the Council took a recess until 4:05 P. M.

The Council resumed its session at 4:05 P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 1, 1881.

Mr. President—I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed substitute for H. B. No. 41, "An act concerning the office of public administrator." Also H. B. No. 64, "An act to divorce Marian Jagger and George N. Jagger," and respectfully ask the concurrence of the Hon. Council in said bills, which are herewith transmitted. The attention of the Hon. Council is also directed to the evidence taken by the House in considering H. B. No. 64, which is herewith transmitted. Also passed H. B. No. 83, "An act to require butchers in Shoshone county to pay a license tax." Also C. B. No. 47, "An act to better secure the purity of elections, and to provide for contested elections." The House has appointed Messrs. Hart, Garrett, and Girton a committee on part of the House to act with a like committee from the Council in preparing a bill to re-apportion the representation of the various counties of

the Territory, in accordance with House Concurrent Resolution No. 8.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No. 83, "An act providing for a butchers' license in Shoshone county, was taken up, read first and second times, and referred to the committee on judiciary.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY,
BOISE CITY, February 1, 1881.

To the Honorable President of the Council,

SIR: I have this day approved Council Bill No. 40, "defining the duties of the treasurer of Alturas county;" Council Bill No. 44, "Authorizing the auditor of the county of Alturas to issue new warrants in lieu of certain old ones;" Council Bill No. 13, "Regulating roads, highways and public thoroughfares in Idaho Territory," and Council Bill No. 11, "To establish a code of civil procedure."

Very respectfully, your ob't s'v't,
J. B. NEIL, Governor.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Poe, from the special committee appointed under Council Resolutions Nos. 4 and 5, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 1, 1881.

To the Honorable Council: Your special committee to whom was referred the matter of investigating the business, books, and accounts of the Territorial controller, and Territorial treasurer, report the following:

We have made a thorough examination of the books, papers, and accounts connected with and belonging to the Territorial treasurer's office, and find them neatly and correctly kept, and all public moneys coming into his hands properly accounted for. Herewith, we give a condensed statements of cash receipts and expenditures since December 20, 1878, to February 1, 1881:

TERRITORIAL TREASURER. DR.

Dec. 20, 1878.	To balance on hand	$ 7,270 07	
Feb. 1, 1881.	To am't rec'd from all sources from Dec. 20, 1878, to Feb. 1, 1881	128,405 94	
	Total		$135,676 01

Disbursements of Treasurer from Dec. 20, 1878, to Feb. 1, 1881, are as follows:

General Fund, Warrants redeemed,			$ 44,095 81
Prison	"	"	41,772 01
Sinking	" Coupons	"	14,628 76
Library	" Warrants	"	1,123 41
Contingent, Vouchers, Controller's office			974 30
Charges, Act. Expressage, &c.			424 60
Total paid out			$103,018 89
Leaving a balance on hand in the treasury of			$32,657 12

All of which, Mr. Huntoon, Territorial treasurer, exhibited to your committee, and we counted the same, and found it correct. We also find that there are now outstanding warrants against the prison fund amounting with principal and interest to $13,742.12, all of which the treasurer informs us that he has advertised as being ready for payment, which stops interest thereon. Deduct the present outstanding warrants from the amount of cash now on hand, and there will still be a balance in the hands of the Territorial treasurer of $18,915.00.

Your committee wish to state that in their opinion Mr. Huntoon is a good, faithful, and competent man for the position of Territorial treasurer.

All of which is respectfully submitted.

HAILEY,
POE,
MURRAY,
WILMOT,
BUDGE.

On motion, the Council adjourned until 10 o'clock A. M., Wednesday, Feb. 2, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTY-SECOND DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 2, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Anderson.

Prayer by the chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Wilmot, by leave, introduced the following Council Bills:

Council Bill No. 55, "An act for the relief of Edw. W. McConville."

Read first and second times, and referred to the delegations from the counties of Nez Perce and Shoshone.

Council Bill No. 56, "An act to amend the revenue law of Idaho Territory."

Read first and second times, and referred to the committee on judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 2, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 54, "An act providing for the erection of a county court house and jail building at Boise City, the county seat of Ada county," have had the same under consideration, and herewith report the same back, and respectfully recommend that the bill do pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., February 2, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 49, "An act for the preservation and improvement of a certain road in Owyhee county," have had the same under consideration, and herewith report a sub-

stitute therefor, and respectfully recommend the passage of the substitute.

JOHNSON, Chairman.

INTRODUCTION OF BILLS.

Mr. Johnson, by unanimous consent, introduced the following Council Bill:

Council Bill No. 57, "An act to provide for the keeping, discipline and management of the Territorial prisoners."

Read first and second times, and referred to the committee on Territorial affairs.

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 2, 1881.

Mr. President: Your committee on enrolled bills, respectfully report that they have examined, and found correctly enrolled, Council Bill No. 38, "To authorize the county commissioners of Alturas county to grant a salary to the probate judge of said county, and have presented the same to the Governor yesterday, at 3 P. M., for his approval.

BUDGE, Chairman.

Mr. Cowen, from the committee on agriculture, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 2, 1881.

Mr. President: Your committee on agriculture, to whom was referred H. B. No. 31, entitled "An act to protect resident stock owners and ranchers, and provide for the branding and marking of live stock," have had the same under consideration, and beg leave to report the same back, to the Council, with recommendation that it be referred to the committee of the whole, as amended.

COWEN, Chairman.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Peck, from the Oneida delegation, to whom was referred House Bill No. 82, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 1, 1881.

Mr. President: Your committee, the Oneida delegation, to whom was referred H. B. No. 82, "An act to purchase

and repair, or construct a bridge across Bear river in Oneida county, have had the same under consideration, and respectfully report the same back with a recommendation that it do pass.

L. C. MORRISON,
H. PECK,
} Oneida Delegation.

Mr. Anderson, from committee on conference, upon House amendments to Council Bill No. 22, presented the following report:

COUNCIL CHAMBER,
Feb. 2, 1881.

Mr. President: Your committee on conference, appointed to meet a like committee on the part of the House of Representatives, on Council Bill No. 22, entitled "An act creating the office of district attorney for each of the organized counties of Idaho Territory, and defining their duties and compensation," respectfully report that they have performed the duty assigned them; and the undersigned have agreed with the committee on the part of the House of Representatives, in making the following recommendations to their respective Houses:

1st. That the Council will recede from its disagreement to the House amendment to section 9.

2d. That the amendment made by House to section 10 be modified and changed by striking out the figure "3" after the figure "8," in line four (4) of said House amendment, and inserting the figure "2," so as to effect the abolition of the office of district attorney, as it now exists, from and after the first day of January, 1882; also, strike out the figure "3" after the figure "8" in line ten of the same House amendment, so as to conform to the same to the first change of said amendment.

3d. That the Council and House of Representatives will make the following amendment to section 11 of said act, viz.: strike out the word "April" on line four of said section, and insert in lieu thereof the word "October."

All of which is respectfully submitted.

HAILEY,
ANDERSON,
PECK.

Report adopted, and recommendations concurred in.

HOUSE BILLS.

House substitute for House Bill No. 41, "An act concerning the office of public administrator," was taken up,

read first and second times, and referred to the committee on judiciary.

House Bill No. 64, "An act to dissolve the bonds of matrimony between Marian Jagger and George N. Jagger," was taken up, read first and second times, and referred to the committee on judiciary.

GENERAL FILE.

Council Bill No. 54, "An act providing for the erection of a court house and jail in Boise City, the county seat of Ada county," was taken up, and on motion of Mr. Johnson, the rules were suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot. and Mr. President—12.

Nays—none.

So the bill passed.

House Bill No. 82, "An act to purchase and repair, or construct a bridge across Bear river in Oneida county," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Council Bill No. 49, "An act for the preservation and improvement of a certain road in Owyhee county," was taken up, and the substitute therefor reported by the committee on judiciary, was adopted.

On motion of Mr. Johnson, the rules were suspended, the substitute considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion of Mr. Johnson, the Council resolved to go into committee of the whole for the consideration of House Bill No. 31, "An act to protect resident stock owners, and ranchers, and provide for the branding and marking of live stock."

Pending the call of a member to the chair by the President, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

The Council, in accordance with the vote taken before recess, resolved itself into committee of the whole for the consideration of House Bill No. 31, "An act to protect resident stock owners, and ranchers, and provide for the branding and marking of live stock."

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

Bill considered, progress made, and leave asked to sit again.

The committee arose, and reported, as above, to the President.

IN COUNCIL.

Report of the committee of the whole adopted in Council, and leave granted the committee to sit again.

On motion, the Council adjourned until 10 o'clock A M., Thursday, Feb. 3, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTY-THIRD DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 3, 1881.

The Council met at 10 o'clock A. M. pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Dilley Johnson, Morrison, Poe, Wilmot, and Mr. President.

Absent—Messrs. Cobb, Cowen, Murray and Peck.

Prayer by the chaplain.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

Mr. Johnson, by leave, introduced the following Council Bill:

Council Bill 58, "An act to secure the collection of poll taxes."

Read first and second times, and referred to the committee on judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 3, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 83, "An act requiring butchers and dealers in fresh meat in Shoshone county to pay a license," have had said bill under consideration, and hereby report the same back, with amendment, and very respectfully recommend that it do pass as amended.

JOHNSON, Chairman.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 2, 1881.

Mr. President: I am directed to inform your Honorable body, that the House of Representatives has had under consideration and passed House substitute for H. B. No. 28, "An act to amend the public school law of Idaho." Also, H. B. No. 78, "An act relating to county warrants in Nez Perce county." Also H. B. No. 77, "An act to dissolve the bonds of matrimony between Martin Fallon and Mary Fallon, his wife," which are herewith transmitted, together with the evidence in support of the passage of the last-named bill.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House substitute for House Bill No. 28, "An act to amend the public school law of Idaho Territory," was taken up, read first and second times, and referred to the committee on education.

House Bill No. 77, "An act to dissolve the bonds of matrimony between Martin Fallon and Mary Fallon," was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 78, "An act to provide for the redemption of certain warrants in Nez Perce county," etc., was taken up, read first and second times, and referred to the committee on judiciary.

On motion of Mr. Anderson, the Council resolved itself into committee of the whole, for the further consideration of House Bill No. 31, "An act to protect resident stock owners, and ranchers, and provide for the branding and marking of live stock."

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.

Bill considered, amended, and passage recommended as amended.

The committee arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.

Report of the committee of the whole adopted in Council.

On motion of Mr. Poe, the amendments reported by the committee were adopted, and the bill was read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Peck, Poe, Wilmot, and Mr. President—10.

Nays—none.

Absent—Messrs. Cobb and Murray.

So the bill passed.

GENERAL CALENDAR.

House Bill No. 83, "An act providing for a butchers' license in Shoshone county," was taken up and the amendments thereto adopted.

On motion of Mr. Poe, the bill was read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Peck, Poe, Wilmot, and Mr. President—10.

Nays—none.

Absent—Messrs. Cobb and Murray.

So the bill passed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Murray.

INTRODUCTION OF BILLS.

Mr. Wilmot, by leave, introduced the following Council Bill:

Council Bill No. 59, "An act to protect quail and partridges in Idaho Territory."

Read first and second times, and referred to the committee on agriculture.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 3, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 41, "An act concerning the office of public administrator," have had the same under consideration and herewith report the same back, and recommend that the bill do pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 3, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 58, "An act to secure the collection of poll taxes," have had the same under consideration and

herewith report the same back, and respectfully recommend that the bill do pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 3, 1881.

Mr. President: Your committee on judiciary to whom was referred H. B. No. 78, "An act to provide for the redemption and prescribing the manner of redeeming the outstanding warrants drawn upon the treasurer of Nez Perce county, and to provide for the payment of all current expenses of said county," have had the same under consideration and herewith report the same back, and respectfully recommend that it do not pass.

JOHNSON, Chairman.

Mr. Poe, from the committee on Territorial affairs, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 3, 1881.

Mr. President: Your committee on Territorial affairs, to whom was referred C. B. No. 57, "An act to provide for the keeping, discipline, and management of the Territorial prisoners," have had said bill under consideration and herewith report the same back, with recommendation that it do pass.

POE, Chairman.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 3, 1881.

Mr. President: Your committee on engrossed bills, to whom was referred substitute for H. B. No. 36, have carefully examined said bill, and report the same correctly engrossed.

COBB, Chairman.

BILLS READY FOR THIRD READING.

Council substitute for House Bill No. 36, "An act to tax the owners of dogs in Idaho Territory" was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Peck, Poe, Wilmot, and Mr. President—10.

Nays—none.

Absent—Messrs. Budge and Murray.

So the bill passed.

GENERAL CALENDAR.

Council Bill No. 57, "An act to provide for the keeping, discipline, and management of the Territorial prisoners" was taken up, and on motion of Mr. Johnson, the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Murray.

So the bill passed.

At 2:20 P. M., the President announced that he was about to sign Council Bill No. 14, "An act establishing district courts in each of the organized counties of this Territory, and providing for the expenses thereof;" and Council Bill No. 43, "An act to create the independent school district of Boise City, and to provide for establishing and maintaining a graded public school therein.

Council Bill No. 58, "An act to secure the collection of poll taxes" was taken up, and on motion, the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Peck, Poe, Wilmot, and Mr. President—10.

Nays—none.

Absent—Messrs. Budge, and Murray,

So the bill passed.

House Bill No. 78, "An act to provide for the redemption, and prescribing the manner of redeeming the outstanding warrants drawn upon the treasurer of Nez Perce county, and to provide for the payment of all current expenses of said county," was taken up, and on motion of Mr. Poe, the consideration thereof was indefinitely postponed.

House substitute for House Bill No. 41, "An act concerning the office of public administrator," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley,

Johnson, Morrison, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Murray.

So the bill passed.

NOTICES.

Mr. Anderson, by leave, gave the following notice:

Mr. President: I give notice that by leave I will, under Rule No. 12, of Joint Rules, introduce an act to regulate the rate of interest on contracts in writing in the county of Custer, if it be found that such notice is necessary.

ANDERSON.

Feb. 3, 1881.

On motion, the Council took a recess until 4 o'clock P. M.

The Council resumed its session at 4 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Poe, Wilmot, and Mr. President.

Absent—Messrs. Cobb, Murray, and Peck.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Poe, of the Nez Perce and Shoshone delegations, to whom was referred Council Bill No. 55, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 3, 1881.

Mr. President: Your special committee to whom was referred Council Bill No. 55, "An act, for the relief of Edward McConville," have examined said bill and herewith report the same back with a substitute therefor and very respectfully recommend that the substitute do pass.

POE, Chairman.

The substitute for Council Bill No. 55, reported by the committee, was adopted in lieu of the original bill, and on motion of Mr. Poe, the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge Cowen, Dilley, Johnson, Morrison, Poe, Wilmot, and Mr. President—9.

Nays—none.

Absent—Messrs. Cobb, Murray, and Peck.
So the bill passed.

INTRODUCTION OF BILLS.

Mr. Johnson, by unanimous consent, introduced the following Council Bill:

Council Bill No. 60, "An act to provide an additional desk for the office of the clerk of the supreme court."

Read first and second times and referred to the committee on Territorial affairs:

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 3, 1881.

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined and found correctly enrolled, Council Bill No. 43, "To create the Independent school district of Boise City," etc.; and Council Bill No. 14, "An act establishing district courts in each of the organized counties of this Territory," and have this day, at 2:30 P. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

On motion the Council adjourned until 10 o'clock A. M., Friday, Feb. 4, 1881,

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTY-FOURTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., February, 4, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Budge, Cobb, Cowen, Dilley, Morrison, Murray, Peck, Poe, Wilmot and Mr. President.

Absent—Messrs. Anderson and Johnson.

On motion of Mr. Dilley, the chaplain was excused from attendance until 10 A. M., Saturday, Feb. 5, 1881.

Journal of yesterday read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Poe, from the committee on territorial affairs, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 4, 1881.

Mr. President: Your committee on Territorial affairs, to whom was referred C. B. No. 60, "An act to provide an additional desk for the office of the clerk of the Supreme Court," have examined said bill and herewith report the same back, and very respectfully recommend that it do pass.

POE, Chairman.

GENERAL CALENDAR.

Council Bill No. 60, "An act to provide an additional desk for the office of the clerk of the Supreme Court," was taken up, and on motion of Mr. Poe, the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Peck, of the delegation from Oneida county, to whom was referred House Bill No. 49, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 4, 1881.

Mr. President: Your committee, to whom was referred H. B. No. 49, "An act to amend an act relating to fences and trespasses in the counties of Nez Perce, Oneida, and Idaho," approved Jan. 7, A. D. 1873, have had the same under consideration, and hereby report the same back with a substitute, and respectfully recommend that the substitute do pass.

MORRISON,
PECK, } Oneida Delegation.

House Bill No. 49, "An act relating to fences and tres-

passes in the counties of Nez Perce, Oneida, and Idaho," was taken up, and the Council substitute therefor adopted in lieu of the original bill, and read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Mr. Poe, from the special committee to whom was referred C. B. No. 52, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 4, 1881.

Mr. President: Your special committee, to whom was referred Council Bill No. 52, "An act for the removal of the county seat of Oneida county from Malad to Oxford," have had said bill under consideration, and are unable to say with any degree of satisfaction to themselves whether the same should pass or not. It is a bill of a local nature, affecting only the citizens of said county, and the delegation from said county is divided. Your committee, therefore, herewith very respectfully report the same back without recommendation.

POE,
COWEN.

On motion, Council Bill No. 52, reported back by the special committee, was referred to the committee on counties and county boundaries.

At 10:35 A. M., the President announced that he was about to sign H. B. No. 55, "An act to prevent stallions from running at large in Oneida county," and H. B. No. 72, "An act to fill vacancies in the board of county commissioners of Lemhi county.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY,
BOISE CITY, Feb. 4, 1881.

To the Hon. President of the Council:

Sir: I have this day approved Council Bill No. 43, "To create the independent school district of Boise City, and provide for establishing and maintaining a graded public school therein;" Council Bill No. 38, "To authorize the

county commissioners of Alturas county to grant a salary to the probate judge of said county," and Council Bill No. 14, "Establishing district courts in each of the organized counties of this Territory, and providing for the expenses thereof."

Very respectfully,
Your ob't s'v't,
J. B. NEIL, Governor.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.
President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Cowen, Dilley, Johnson, Morrison, Murray, Poe, Wilmot, and Mr. President.
Absent—Messrs. Budge, Cobb, and Peck.

REPORTS FROM STANDING COMMITTEES.

Mr. Cowen, from the committee on agriculture, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 4, 1881.

Mr. President: Your committee on agriculture, to whom was referred C. B. No. 59, have carefully examined and amended the same, and beg leave to report the same back to the Council, and respectfully recommend its passage as amended.

COWEN, Chairman.

GENERAL CALENDAR.

Council Bill No. 59, "An act to protect quail and partridges in Idaho Territory," was taken up, the amendments thereto adopted, and the bill ordered engrossed.

At 2:07 P. M. the President announced that he was about to sign Council Bill No. 47, "An act better to secure the purity of elections, and provide for cases of contested elections."

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 4, 1881.

Mr. President: I am directed to inform your Honorable body, that the House of Representatives has had under consideration C. B. No. 32, "An act relating to public schools,"

and amended the same, and respectfully ask the concurrence of the Council to said amendments. Also, has had under consideration and passed H. B. No. 71, "An act to better define the boundary line between Lemhi and Alturas counties." Also, H. B. No. 75, "To dissolve the bonds of matrimony between Emma Phillips and John A. Phillips." Also, House substitute for H. B. No. 73, regulating the fees of the Territorial secretary, which are herewith transmitted, and respectfully ask the concurrence of the Hon. Council thereto. The House has also had under consideration, and passed, C. B. No. 42, dissolving the bonds of matrimony between Mary Heed and Albert Heed. Also Council substitute for C. B. No. 35, to better define the Eastern boundary line of Cassia county. The House has also had under consideration, and rejected, House substitute for Council substitute for C. B. No. 50. relating to money of account and interest, which are herewith transmitted.

Respectfully,

T. D. CAHALAN, Chief Clerk.

On motion of Mr. Anderson, House message relating to Council Bill No. 22, was laid upon the table.

HOUSE AMENDMENTS TO COUNCIL BILLS.

Council Bill No. 32, "An act to amend an act entitled 'An act to establish a public school system, and to provide for the maintenance and supervision of public schools,' approved Feb. 21, 1879," was taken up, and on motion of Mr. Anderson, laid on the table, with House amendments thereto.

HOUSE BILLS.

House substitute for House Bill No. 73, "An act regulating the fees of the Territorial secretary," was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 71, "An act better to define the boundary between Lemhi and Alturas counties," was taken up, read first and second times, and referred to the delegations from the counties of Lemhi and Alturas,

House Bill No. 75, "An act to dissolve the bonds of matrimony between Emma Phillips and John A. Phillips," was taken up, read first and second times, and referred to the committee on judiciary.

MISCELLANEOUS.

On motion of Mr. Morrison, Council Bill No. 52, "An act

for the removal of the county seat of Oneida county from Malad City to Oxford," was recalled from the committee on counties and county boundaries, and made the special order for Saturday, Feb. 5, 1881, after the call of the regular order of business at the afternoon session.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 4, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 56, "An act to amend the revenue law of Idaho Territory," have had the same under consideration and herewith report a substitute therefor, and respectfully recommend, that the substitute do pass.

JOHNSON, Chairman.

GENERAL CALENDAR.

Council Bill No. 56, "An act to amend the revenue law of Idaho Territory;" was taken up and the substitute therefor reported by the committee on judiciary adopted in lieu of original bill.

On motion of Mr. Johnson the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—None.

So the bill passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 4, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives most respectfully request that your Honorable body will allow C. B. No. 22, now in possession of the House, to be placed in the hands of the committee of conference on the part of the House appointed to confer upon the differences between the two Houses upon said bill, in order that the committee may properly report upon the same.

Respectfully, T. D. CAHALAN, Chief Clerk.

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 4, 1881.

Mr. President: Your committee on enrolled bills beg leave to report that they have examined and found correctly enrolled, Council Bill No. 47, "An act better to secure the purity of elections, etc.," and have this day, at 2:30 P. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

On motion, the Council took a recess until 4:37 P. M.

The Council resumed its session at 4:37 P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Morrison.

INTRODUCTION OF BILLS.

Mr. Budge, by unanimous consent, introduced the following Council Bill:

Council Bill No. 61, "An act to provide for the election of county school superintendents in certain counties of this Territory," read first and second times; rules suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Morrison.

So the bill passed.

On motion of Mr. Anderson, the chief clerk was directed to communicate with the House of Representatives, by appropriate message, in reference to Council Bill No. 22.

On motion, the Council adjourned until 10 o'clock A. M., Saturday, Feb. 5, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTY-FIFTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 5, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson and Budge.

Prayer by the chaplain.

Journal of yesterday read, amended, and approved.

At 10:13 A. M. the President announced that he was about to sign Council Bill No. 35, "An act to amend an act entitled 'An act creating and organizing the county of Cassia,' approved Feb. 20, 1879;" and Council Bill No. 42, "An act to dissolve the bonds of matrimony between Mary Heed and Albert Heed, her husband."

INTRODUCTION OF BILLS.

Mr. Anderson, by leave, introduced the following Council Bill:

Council Bill No. 62, "An act relating to the location and recording of mining claims."

Read first and second times, and referred to the committee on judiciary.

Mr. Johnson, by leave, introduced the following Council Bills:

Council Bill No. 63, "An act amendatory and supplementary to an act entitled 'An act defining the duties and fixing the salary of Territorial controller,' approved January 6, 1866."

Read first and second times, and referred to the committee on Territorial affairs.

Council Bill No. 64, "An act to amend 'An act to provide for the printing of blanks for Idaho Territory.'"

Read first and second times, and referred to committee on territorial affairs.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Anderson, from the special committee to whom was referred House Bill No. 71, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 5, 1881.

Mr. President: Your special committee, the delegations from Alturas and Lemhi counties, to whom was referred H. B. No. 71, "An act better to define the boundary between Lemhi and Alturas counties," have had the same under consideration, and respectfully report the same back, and recommend the passage thereof.

S. B. DILLEY,
W. F. ANDERSON.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 5, 1881.

Mr. President: I am directed to inform your Hon. body that the House of Representatives has had under consideration and passed H. B. No. 67, "An act to dissolve the bonds of matrimony between Julia Walsh and Edward F. Walsh." Also, H. B. No. 80, "An act requiring county commissioners to provide the laws of Idaho for certain officers." Also, H. M. No. 10, "Praying Congress to appropriate $75,000 for the erection of capital buildings at Boise City." Also, has had under consideration and amended C. B. No. 51, and passed the same as amended, all of which are herewith transmitted, and respectfully asks the concurrence of the Hon. Council thereto.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No. 80, "An act authorizing and requiring the county commissioners to furnish the general statutes, and certain session laws," was taken up.

Read first and second times, and referred to the committee on Territorial affairs.

House Bill No. 67, "An act to dissolve the bonds of matrimony between Helen Julia Walsh and Edward Francis Walsh, was taken up. Read first and second times, and referred to the committee on judiciary.

House Memorial No. 10, praying Congress to appropriate $75,000 for the erection of capital buildings in Boise City, was taken up, read first and second times, and referred to the committee on Territorial affairs.

HOUSE AMENDMENTS TO COUNCIL BILLS.

Council Bill No. 51, "An act regulating the distribution

of water for purposes of irrigation, was taken up, and House amendments thereto concurred in.

GENERAL CALENDAR.

House Bill No. 71, "An act better to define the boundary line between Lemhi and Alturas counties was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 5, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 73, "An act regulating the fees of the Territorial secretary," have had the same under consideration, and herewith report the same back, and respectfully recommend that the bill do pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 5, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 62, "An act relating to the location and recording of mining claims," have had the same under consideration, and herewith report the same back, and respectfully recommend that the bill do pass.

JOHNSON, Chairman.

Mr. Cobb, from the committee on finance, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 5, 1881.

Mr. President: Your committee on finance would respectfully report that they, in connection with the committee of ways and means of the House, were instructed to make an examination of the books and accounts of Territorial controller and treasurer; that they made a partial examination of said books and accounts, and reported to this body that it would be necessary for them to employ an expert to assist in such examination. Since that time and until now, the books and papers belonging to the office of controller and treasurer have been in the hands of a special committee, who will make the required report, and the members of your committee would therefore respectfully request that they be discharged from such examination so assigned them.

COBB,
BUDGE,
DILLEY.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 5, 1881.

Mr. President: Your committee on enrolled bills beg leave to report that they have examined and found correctly enrolled Council Bill No. 42, "An act to dissolve the bonds of matrimony between Mary Heed and Albert Heed." Also substitute for C. B. No. 35, "An act to better define the eastern boundary of the county of Cassia, and have this day, at 10:30 A. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

GENERAL FILE.

House substitute for House Bill No. 73, "An act regulating the fees of the territorial secretary," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Council Bill No. 62, "An act relating to the location and

recording of mining claims," was taken up, and on motion the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—Mr. Cobb—1.

So the bill passed.

At 2:20 P. M. the President announced that he was about to sign House Bill No. 49, "An act to amend 'An act relating to fences and trespasses in the counties of Nez Perce, Oneida and Idaho,' approved Jan. 7, A. D. 1873;" House Bill No. 69, "An act to amend an act entitled 'An act to allow valuable stallions, kept for breeding purposes, to run at large with the bands of their owner or owners,' approved Feb. 20, 1879;" and House Bill No. 82, "An act to purchase and repair or construct a bridge across Bear River, in Oneida county."

On motion of Mr. Dilley, the report of the finance committee was re-referred to said committee.

At 3:07 P. M. the President announced that he was about to sign House Bill No. 41, "An act concerning the office of public administrator."

A special message from the Governor was received and read, and Mr. Johnson moved that the same be laid upon the table without being spread upon the journal.

Ayes and nays demanded.

Ayes—Messrs. Anderson, Budge, Cobb, Dilley, Johnson, Murray, Peck, Poe, and Mr. President—9.

Nays—Messrs. Cowen, Morrison and Wilmot—3.

So the message was ordered laid upon the table.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 5, 1881.

Mr. President: I am directed to inform your Hon. body that the House of Representatives has had under consideration and passed, with amendments, C. B. No. 54, "An act relating to the erection of a county court house and jail at Boise City, the county seat of Ada county," which is herewith transmitted, and respectfully ask the concurrence of the Hon. Council in said amendments.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE AMENDMENTS TO COUNCIL BILLS.

Council Bill No. 54 "An act providing for the erection of a court house and jail in Boise City, the county seat of Ada county," was taken up, and House amendments thereto concurred in.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 5, 1881.

Mr. President: I am directed to inform your Hon. body that the House of Representatives has had under consideration Council amendments to H. B. No. 31, relating to stock ranchers, etc., and have concurred in amendments 1, 2, 3, 4, 5, 6, 7, 9, 11, 12, and 13, and disagreed to amendments 8, 10, 14, 15, 16, 17, 18, 19, and 20, all of which are herewith transmitted to the Hon. Council.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No. 31, "An act to protect resident stock owners, and ranchers, and provide for the branding and marking of live stock," was taken up, and the Council receded from all of its amendments to said bill, except amendments 19 and 20.

At 3:45 P. M. the President announced that he was about to sign Council Bill No. 51, "An act regulating the distribution of water for purposes of irrigation."

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 5, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 37, "An act regulating salaries and fees, and the collection of revenue in Alturas county," have had the same under consideration, and herewith report the same back and respectfully recommend that the bill do pass.

JOHNSON, Chairman.

Council Bill No. 37, "An act regulating salaries and fees, and the collection of revenues in Alturas county," was taken up, and on motion of Mr. Dilley the rules were suspend-

ed, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

On motion, the Council adjourned until 10 o'clock, A. M., Monday, Feb. 7, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTY-SEVENTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Prayer by the Chaplain.

Journal of Saturday, Feb. 5, 1881, read and approved.

Mr. Cobb in the Chair.

INTRODUCTION OF BILLS.

Mr. Hailey, by leave, introduced the following Council Bills:

Council Bill No. 65, "An act to amend an act entitled 'An act to provide for the public printing, and for the distribution of the laws and journals,' passed Jan. 12, 1866."

Read first and second times, and referred to the committee on printing.

Council Bill No. 66, "An act fixing the salary of the probate judge of Ada county, and providing for the payment of the same."

Read first and second times, and referred to the committee on judiciary.

President Hailey in the chair.

Mr. Johnson, by leave, introduced the following Council Bill:

Council Bill No. 67, "An act to amend an act entitled 'An act to establish a public school system, and to provide for the maintenance and supervision of public schools,' approved Feb. 21. 1879."

Read first and second times, and referred to the committee on education.

Mr. Poe, by leave, introduced the following Council Bill:

Council Bill No. 68, "An act supplementary to an act entitled 'An act to amend the charter of the city of Lewiston,' approved February—, 1881." Read first and second times, and referred to the committee on incorporations.

REPORTS FROM STANDING COMMITTEES.

Mr. Poe, from the committee on Territorial affairs, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: Your committee on Territorial affairs, to whom was referred C. B. No. 63, "An act amendatory and supplementary to an act entitled 'An act defining, the duties and fixing the salary of Territorial controller, approved January 6, 1866," have examined said bill, and herewith report the same back, and respectfully recommend that it do pass

POE, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: Your committee on Territorial affairs, to whom was referred Council Bill No. 64, "An act to amend an act entitled 'An act to provide for the printing of blanks for Idaho Territory,'" have examined said bill, and herewith report the same back with recommendation that it do pass.

POE, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: Your committee on Territorial affairs, to whom was referred House Memorial No. 10, "A memorial earnestly recommending an appropriation by Congress of seventy-five thousand dollars, for the erection of a public building at Boise City, the capital of this Territory, suitable for legislative halls, committee rooms, court room and

offices for the several United States officers," have had said Memorial under consideration, and herewith report the same back, and respectfully recommend that the same do pass.

POE, Chairman.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: Your committee on enrolled bills beg leave to reportthat they have examined, and found correctly enrolled, Council Bill No. 51, "An act regulating the distribution of water for the purposes of irrigation," and presented the same on Saturday last (Feb. 5), at 4:30 P. M., to the Governor for his approval.

BUDGE, Chairman.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 5, 1881.

Mr. President: I am directed to inform your Hon. body that the House of Representatives has had under consideration the report of the committee on conference of both Houses in regard to House amendments to C. B. No. 22, relative to district and county attorneys, and the House has refused to adopt the report of said conference committee, and has instructed me to return said bill to the Hon. Council, which is herewith transmitted.

respectfully,
T. D. CAHALAN, Chief Clerk.

GENERAL FILE.

House Memorial No. 10, "Praying Congress to appropriate $75,000 for the erection of capital buildings in Boise City," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the Memorial passed.

Council Bill No. 64, "An act to amend an act entitled 'An act to provide for the printing of blanks for Idaho

Territory,'" was taken up, and on motion of Mr. Johnson, the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Council Bill No. 63, "An act amendatory and supplementary to an act entitled 'An act defining the duties and fixing the salary of Territorial controller,' approved Jan. 6, 1866," was taken up, and on motion of Mr. Johnson, the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

MISCELLANEOUS.

On motion of Mr. Morrison, Council Bill No. 52, "An act for the removal of the county seat of Oneida county from Malad City to Oxford," which was made the special order for 2 o'clock P. M., Saturday, Feb. 5, 1881, was taken up for consideration.

Mr. Morrison moved that the rules be suspended, that the bill be considered, engrossed, read a third time, and placed upon its final passage.

Mr. Peck moved, as an amendment, that said bill be indefinitely postponed.

The question being upon the amendment, a division was called for and tellers demanded.

The President appointed as tellers, Messrs. Morrison and Peck.

The tellers reported:

Ayes—5.

Nays—3.

So the bill was indefinitely postponed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M. President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 77, "An act to dissolve the bonds of matrimony now existing between Martin Fallon and Mary Fallon, his wife," have had the same under consideration, and herewith respectfully report the same back without recommendation.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 67, "An act to dissolve the bonds of matrimony between Helen Julia Walsh and Edward Francis Walsh, her husband," have had the same under consideration and herewith respectfully report the same back with recommendation that it do not pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., February 7, 1881.

Mr. President: Your committee on judiciary to whom was referred C. B. No. 66, "An act fixing the salary of the probate judge of Ada county and providing for the payment of the same," have had the same under consideration and herewith report the same back, with an amendment, and respectfully recommend that the Bill, as amended, do pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 64, "An act to dissolve the bonds of matrimony between Marian Jagger and George N. Jagger," have had the same under consideration, and herewith

respectfully report the same back without recommendation.

JOHNSON, Chairman.

Mr. Cobb, from the committee on finance, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: Your committee on finance, to whom was referred C. B. No. 34, report the same back, and recommend that it be indefinitely postponed.

COBB, Chairman.

Mr. Poe, from the committee on incorporations, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: Your committee on incorporations, to whom was referred C. B. No. 68, "An act supplementary to an act entitled 'An act to amend the charter of the city of Lewiston,'" have examined said bill, and herewith report the same back, and very respectfully recommend that it do pass.

POE, Chairman.

On motion of Mr. Poe, the rules were suspended, C. B. No. 68 was considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Mr. Johnson, from the committee on education, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 7, 1881.

Mr. President: Your committee on education, to whom was referred C. B. No. 67, "An act to amend an act entitled 'A public school system, and to provide for the maintenance and supervision of public schools,' approved February 21, 1879," have had the same under consideration, and herewith report the same back, and respectfully recommend that the bill do pass.

JOHNSON, Chairman.

Mr. Budge, from the committee on printing, presented the following report:

Mr. President: Your committee on printing, to whom was referred Council Bill No. 65, "An act to amend an act entitled 'An act to provide for the public printing,'" have examined the same, and recommend that it do pass.

BUDGE, Chairman.

Mr. Cobb, from the committee on engrossed bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb'y 7, 1881.

Mr. President: Your committee on engrossed bills to whom was referred C. B. No. 59, have carefully examined said bill, and report the same as correctly engrossed.

COBB, Chairman.

BILLS ON THIRD READING.

Council Bill No. 59, "An act to protect quail and partridges in Idaho Territory," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President —11.

Nays—none.

Absent—Mr. Budge.

So the bill passed.

GENERAL CALENDAR.

Council Bill No. 66, "An act fixing the salary of the probate judge of Ada county, and providing for the payment of the same," was taken up, and the amendment reported by the committee on judiciary adopted.

On motion of Mr. Johnson, the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President— 11.

Nays—none.

Absent—Mr. Budge.

So the bill passed.

House Bill No. 67, "An act to dissolve the bonds of matrimony between Helen Julia Walsh and Edward Walsh," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—none.

Nays—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Absent—Mr. Budge.

So the bill failed to pass.

House Bill No. 64, "An act to dissolve the bonds of matrimony between Marian Jagger and George N. Jagger, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Morrison, Peck, and Mr. President—4.

Nays—Messrs. Cobb, Cowen, Dilley, Johnson, Murray, Poe, and Wilmot—7.

Absent—Mr. Budge.

So the bill failed to pass.

At 2:20 P. M. the President announced that he was about to sign House Bill No. 31, "An act to protect resident stock owners and ranchers, and provide for the branding and marking of live stock."

At 2:24 P. M. the President announced that he was about to sign Council Bill No. 54, "An act providing for the erection of a county court house and jail building in Boise City, the county seat of Ada county."

House Bill No. 77, "An act to dissolve the bonds of matrimony between Martin Fallon and Mary Fallon," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cowen, Morrison, Peck, Poe, and Mr. President—6.

Nays—Messrs. Cobb, Dilley, Johnson, Murray. and Wilmot—5.

Absent—Mr. Budge.

So the bill passed.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, Feb. 7, 1881.

To the Hon. President of the Council,

Sir: I have this day approved Council Bill No. 51, "Regulating the distribution of water for purposes of irrigation;" Council Bill No. 47, "Better to secure the purity of elections, and providing for cases of contested elections," and Council Bill No. 42, "To dissolve the bonds of matrimony between Mary Heed and Albert Heed, her husband."

Very respectfully,
Your ob't s'v't,
J. B. NEIL, Governor.

At 2:50 P. M. the President announced that he was about to sign Council Bill No. 61, "An act to provide for the election of county superintendents in certain counties of Idaho Territory."

GENERAL CALENDAR.

Council Bill No. 34, "An act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same," was taken up, and on motion of Mr. Johnson, the consideration thereof was indefinitely postponed.

Council Bill No. 67, "An act to amend an act entitled 'An act to establish a public school system, and to provide for the maintenance and supervision of public schools,' approved Feb. 21, 1879," was taken up, and on motion the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Budge.

So the bill passed.

Council Bill No. 65, "An act to amend an act entitled 'An act to provide for the public printing, and for the distribution of the laws and journals,' passed Jan. 12, 1866," was taken up, and on motion the rules were suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President —11.

Nays—none.

Absent—Mr. Budge.

So the bill passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: I am directed to inform your Hon. body that the House of Representatives has had under consideration, and passed, H. B. No. 84, "An act to authorize the auditor of Alturas county to issue warrants on the current expense and redemption fund in lieu of certain old ones drawn upon the road fund." Also H. J. Res. No. 9, appropriating money to defray the expenses of a special committee authorized by the House for the purpose of investigating the books and acts of the Territorial controller, and the same are herewith transmitted for the consideration of the Honorable Council. Also C. B. No. 61, "An act to provide for the election of county school superintendent." Also C. B. No. 46, concerning chattel mortgages. Also H. B. No. 88 to amend an act concerning crimes and punishments. Also H. B. No. 91, creating a contingent fund for Bear Lake county. Also H. B. No. 74, "An act regulating the collection of the revenue in Boise county, and fixing the pay of the assessor. Also H. B. No. 107, "An act to amend an act 'to protect certain game in Idaho Territory,' approved Jan. 12, 1878," and respectfully asks the concurrence of the Honorable Council therein. The House has also had under consideration Council amendment to H. B. No. 83, and concurred in the same. Also has had under consideration Council substitute for H. B. No. 36, "An act relating to the taxation of dogs," and refused to concur in the same.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No. 88, "An act to amend an act entitled 'An act concerning crimes and punishments,' approved Jan. 14, 1875," was taken up and read first and second times.

On motion, the rules were suspended, the bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

House bill No. 84, "An act to authorize the auditor of Alturas county to issue warrants on the current expense and redemption fund, in lieu of certain old ones drawn upon the road fund," was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 89, "An act to amend an act entitled 'An act in relation to the construction of bridges, ferries, roads, and trails,' approved Dec. 20, 1864," was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 107, "An act to amend 'An act to protect certain game in Idaho Territory,' approved Jan. 12, 1878," was taken up, read first and second times, and referred to the committee on military affairs.

House Bill No. 91, "An act creating a contingent fund for the county of Bear Lake, in Idaho Territory," was taken up, read first and second times, and referred to the delegation from Bear Lake county.

House Joint Resolution No. 9, "Relating to an appropriation to defray the expenses of the House committee appointed to investigate the books of the Territorial treasurer," was taken up, read first and second times, and referred to the special committee of the Council appointed to examine said books.

House Bill No. 74, "An act regulating the collection of revenue and pay of the assessor of Boise county," was taken up, read first and second times, and referred to the committee on judiciary.

Mr. Dilley in the chair.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Hailey, from the joint committee of the two Houses on apportionment, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: The joint committee to whom was re-

ferred House Concurrent Resolution No. 8, to apportion the representation to the two Houses of the Legislative Assembly of the Territory, respectfully report that said joint committee have discharged the duty assigned them, and agreeably to directions of the said committee, submit the accompanying bill, and recommend the passage thereof.

HAILEY, Chairman.

INTRODUCTION OF BILLS.

Mr. Hailey, by leave, introduced the following Council Bill:

Council Bill No. 69, "An act to readjust and apportion the representation to the two Houses of the Legislative Assembly among the several counties of the Territory."

Read first and second times, and referred to the committee on elections.

On motion the Council adjourned until 10 o'clock A. M., Tuesday, February 8, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTY-EIGHTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 8, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Messrs. Anderson and Budge.

Prayer by the chaplain.

Journal of yesterday read and approved.

At 10:20 A. M. the President announced that he was about to sign Council Bill No. 48, "An act to amend the charter of the city of Lewiston."

INTRODUCTION OF BILLS.

Mr. Poe, by leave, introduced the following Council Bill:

Council Bill No. 70, "An act to repeal the tenth section of an act entitled 'An act to regulate marks and brands of stock,' approved January 12, 1877."

Read first and second times, and referred to the general calendar.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 84, "An act to authorize the auditor of Alturas county to issue warrants on the current expense and redemption fund, in lieu of certain old ones drawn upon the road fund," have had the same under consideration, and herewith report the same back, with an amendment to section one, and respectfully recommend that the bill, as amended, do pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 75, "An act to dissolve the bonds of matrimony between Emma Phillips and John A. Phillips," have had the same under consideration, and herewith report the same back, and recommend that it do not pass.

JOHNSON, Chairman.

Mr. Johnson, from the committee on education, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: Your committee on education, to whom was referred H. B. No. 28, "An act to amend an act entitled 'An act to establish a public school system and to provide for the maintenance and supervision of public schools,' approved February 21, 1879," have had the same under consideration, and herewith report the same back with an amendment, and respectfully recommend that the bill, as amended, do pass.

JOHNSON, Chairman.

GENERAL CALENDAR.

House Bill No. 84, "An act to authorize the auditor of Alturas county to issue warrants on the current expense and redemption fund, in lieu of certain old ones drawn upon the road fund," was taken up, the amendment thereto adopted, the bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Anderson.

So the bill passed.

Council Bill No. 70, "An act to repeal section 10 of 'An act regulating marks and brands of stock,'" was taken up, the rules suspended, the bill considered, engrossed, read a third time, and placed upon its final passage.

The questien being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Anderson.

So the bill passed.

House Bill No. 28, "An act to amend an act entitled 'An act to establish a public school system, and to provide for the maintenance and supervision of public schools,' approved Feb. 21, 1879," was taken up, the amendment thereto adopted, the bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Anderson.

So the bill passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined and found correctly enrolled, Council bill No. 54, providing for the erection of a county court house and a jail building at Boise City, and yesterday at 3 P. M. presented the same to the

Governor for his approval; also Council bill No. 61, providing for the election of county school superintendents in certain counties of the Territory, which was presented to the Governor yesterday at 3:30 P. M., for his approval.

BUDGE, Chairman.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Budge, of the delegation from Bear Lake county, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: Your special committee, to whom was referred House Bill No. 91, "An act creating a contingent fund for Bear Lake county," has given the same due consideration, and respectfully report said bill back, with a recommendation that it do pass.

BUDGE, Chairman.

GENERAL CALENDAR.

House Bill No. 75, "An act to dissolve the bonds of matrimony between Emma Phillips and John A. Phillips," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—none.

Nays—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Absent—Mr. Anderson.

So the bill failed to passed.

House Bill No. 91, "An act creating a contingent fund for the county of Bear Lake, in Idaho Territory," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Anderson.

So the bill passed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M. President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

At 2:02 P. M., The President announced that he was about to sign Council Bill No, 46, "An act supplementary to an act entitled 'An act concerning chattel mortgages,' approved Jan. 12, 1875."

INTRODUCTION OF BILLS.

Mr. Morrison, by leave, introduced the following Council Bill:

Council, Bill No. 46, "An act to incorporate Blackfoot City, in Oneida county.

Read first and second times, and referred to the committee on judiciary.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: I am directed to inform your Hon. body that the House of Representatives has had under consideration substitute for C. B. No. 49, "An act relating to roads and highways, etc.," have amended the same, and passed the bill as amended, and respectfnlly asks the concurrence of the Hon, Council to said amendment; said bill is herewith transmitted. The House has also had under consideration and passed H. B. No, 81, "An act to dissolve the bonds of matrimony between Alfaretta Stine and Eugene V. Stine," which is transmitted, together with the testimony in the case, and respectfully asks the concurrence of the Hon, Council thereto. Has also passed H. B. No. 98, "An act to tax dogs in Bear Lake county," and respectfully asks the concurrence of the Hon. Council therein. The House has also had under consideration and passed, "An act to amend an act defining the duties and fees of county officers." Also C. B. No. 57, "An act to provide for the keeping, discipline, and management of the Territorial prisoners." Has also had under consideration C. B. No. 33, "An act to regulate the right to the use of water for mining, agricultural, manufacturing and other purposes," and has amended sec-

tions 18 and 19 of said bill, and added a new section numbered section 19 thereto, and have passed said bill as amended, which is herewith transmitted, and respectfully asks the concurrence of the Hon. Council in said amendments.

Respectfully,

T. D. CAHALAN, Chief Clerk.

At 2:10 P. M., the President announced that he was about to sign House Bill No. 77, "An act to dissolve the bonds of matrimony now existing between Martin Fallon and Mary Fallon, his wife;" House Bill No. 71, "An act better to define the boundary line between Lemhi and Alturas counties;" House Bill No. 88, "An act to amend an act entitled 'An act concerning crimes and punishments,' approved Jan. 14, 1875;" and House Bill No. 83, "An act providing for a butcher's license in Shoshone county."

HOUSE AMENDMENTS TO COUNCIL BILLS.

Mr. Dilley in the chair.

Council Bill No. 49, "An act for the preservation and improvement of a certain road in Owyhee county," was taken up, and the Council refused to concur in House amendment thereto.

President Hailey in the chair.

Council Bill No. 33, "An act to regulate the right to use of water for mining, agricultural, manufacturing, and other purposes," was taken up, and House Amendment No. 1 thereto adopted, and on motion, the bill was referred to the committee on judiciary, for the further consideration of House amendments.

HOUSE BILLS.

House Bill No. 81, "An act to dissolve the bonds of matrimony between Alfaretta Stine and Eugene V. Stine, her husband," was taken up, read first and second times, and referred to Mr. Murray, member from Boise county.

House Bill No. 98, "An act to tax dogs in Bear Lake county," was taken up, and read first and second times; rules suspended, bill read third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined and found correctly enrolled Council Bill No. 48, "An act to amend the charter of the city of Lewiston," and have this day at 10:30 A. M. presented the same to the Governor for his approval.

BUDGE, Chairman.

INTRODUCTION OF BILLS.

Mr. Morrison, by unanimous consent, introduced the following Council Bill:

Council Bill No. 72, "An act authorizing and empowering the qualified voters of Oneida county to vote upon the question of a re-location of the county seat of said county."

Read a first time; objection made to a second reading thereof.

And the question being, Shall the bill be rejected?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Murray, Peck, and Mr. President—8.

Nays—Messrs. Cobb, Morrison, Poe, and Wilmot—4.

So the bill was rejected.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T. Feb. 8, 1881.

Mr. President: I am directed to inform your Hon. body that the House of Representatives has had under consideration C. B. No. 41, "An act to amend an act entitled 'An act to provide a uniform system of Territorial and county revenue, and to provide for assessing and collecting the same,'" and have adopted a substitute therefor, and respectfully asks the concurrence of the Hon. Council therein, all of which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole, for the consideration of House substitute for Council Bill No. 41, transmitted by message from the House of Representatives.

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.
Committee arose.

IN COUNCIL.

President Hailey in the chair.
The President at 3:20 P. M. announced that he was about to sign House Bill No. 91, "An act creating a contingent fund for the county of Bear Lake, in Idaho Territory;" and House Bill No. 73, "An act regulating the fees of the Territorial secretary."

COMMITTEE OF THE WHOLE.

Mr. Dilley in the chair.
House substitute for Council Bill No. 41 considered, and its adoption recommended.
The committe arose and reported, as above, to the President.

IN COUNCIL.

President Hailey in the chair.
The chairman reported that the committee of the whole has had under consideration House substitute for Council Bill No. 41, and recommends the adoption thereof.
Report and substitute adopted.
On motion, the Council took a recess until 6:30 P. M.

EVENING SESSION.

The Council resumed its session at 6:30 P. M.
President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President.
Absent—Messrs. Cobb, and Wilmot.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 8, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 35, "An act amending an act relating to district attorneys and defining their duties, approved January 14, 1875," have had the same under consideration, and herewith report the same back with certain amend-

ments, and respectfully recommend that the bill, as amended, do pass.

JOHNSON, Chairman,

House Bill No. 35, "An act amending an act relating to district attorneys and defining their duties, approved Jan. 14, 1875," was taken up, and the amendments thereto adopted.

On motion, the rules were suspended, the bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President—10.

Nays—none.

Absent—Messrs. Cobb and Wilmot.

So the bill passed.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 89, "An act to amend an act in relation to the construction of bridges, ferries, roads, and trails, approved December 20, A. D., 1864," have had the same under consideration, and herewith report the same back, and respectfully recommend that the same do pass.

JOHNSON, Chairman.

House Bill No. 89, "An act to amend an act entitled 'An act in relation to the construction of bridges, ferries, roads, and trails,' approved Dec. 20, 1864," was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President—10.

Nays—none.

Absent—Messrs. Cobb and Wilmot.

So the bill passed.

Mr. Johnson, from the committee on judiciary, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 8, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 33, "An act to regulate the right to the use of water for mining, agriculture, manufacturing,

and other purposes," have had the House amendments thereto under consideration, and herewith respectfully report the same back, and recommend that, although the proposed section 19 is crude and ill conceived and worse drawn, the Council concur in the amendments.

JOHNSON, Chairman.

Council Bill No. 33, "An act to regulate the right to use of water for mining, agricultural, manufacturing, and other purposes," was taken up, and House amendments thereto were concurred in.

Mr. Poe, from the committee on Territorial affairs, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 7, 1881.

Mr. President: Your committee on Territorial affairs, to whom was referred H. B. No. 80, "An act authorizing and requiring the county commissioners to furnish the general statutes and certain session laws," have considered the said bill, and herewith report the same back, with recommendation that it be indefinitely postponed.

POE, Chairman.

House Bill No. 80, reported back by the committee on Territorial affairs, was taken up, and on motion of Mr. Poe, the consideration thereof was indefinitely postponed.

Council Bill No. 22, "An act creating the office of district attorney for each of the organized counties of Idaho Territory, and defining their duties and compensation, was taken up, and on motion of Mr. Johnson, House amendments thereto were concurred in.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Murray, to whom was referred House Bill No. 81, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: The undersigned councilman from Boise county, to whom was referred House Bill No. 81, "An act to dissolve the bonds of matrimony between Alfaretta Stine and Eugene V. Stine, her husband," has had the same under careful consideration, and duly considered the evidence in support of the bill. The evidence, which accompanies this report is that of persons well known to the undersigned to be persons of truth and veracity, and who are residents of Boise county, and are classed with and numbered among its best citizens, and therefore entitled

to great credit, and should be favorably considered, and of great weight. In view of the foregoing facts, I am of the opinion that this is a meritorious and just case, and therefore respectfully recommend that said bill do pass.

MURRAY.

House Bill No. 81, "An act to dissolve the bonds of matrimony between Alfaretta Stine and Eugene V. Stine, her husband, was taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Morrison, Murray, Peck, Poe, and Mr. President—7.

Nays—Messrs. Cowen, and Johnson—2.

Absent—Messrs. Cobb, Dilley, and Wilmot.

So the bill passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined and found correctly enrolled, Council Bill No. 46, "An act supplementary to an act entitled 'An act concerning chattel mortgages,'" and have this day, at 2:30 P. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

On motion, the Council adjourned until 10 o'clock A. M., Wednesday, Feb. 9, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

FIFTY-NINTH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Cobb, Cowen, Dilley, John-

son, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Budge.

Prayer by the chaplain.

Journal of yesterday read and approved.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, February 9, 1881.

To the Hon. President of the Council,

Sir: Herewith I return, without approval, Council Bill No. 35, "To better define the eastern boundary of the county of Cassia."

If It was the intention of the Legislature, in creating the county of Cassia, to define and confine that county, in so far as its eastern boundary line is concerned, to the then existing line of division between the counties of Owyhee and Oneida, I can see no good reason for disturbing that intention.

If the act creating Cassia county, taken in connection with the act approved January 2, 1871, defining the dividing line between Owyhee and Oneida counties, fixes the eastern boundary of Cassia as commencing at the point of confluence of Raft with Snake river, and running thence due south to the Utah line, there is where it should remain—at least it so appears to me. If the effect of this bill is to take a large strip of territory from Oneida and attach it to Cassia county, it seems to me the consent of the former should be obtained to the sacrifice of territory contemplated, and adequate compensation provided therefor, neither of which has been done in this case.

Very respectfully,
Your ob't s'v't,
J. B. NEIL, Governor.

At 10:15 A. M., the President announced that he was about to sign House Bill No. 89, "An act to amend an act entitled 'An act in relation to the construction of bridges, ferries, roads, and trails,' approved Dec. 20, 1864;" and House Bill No. 81, "An act to dissolve the bonds of matrimony between Alfaretta Stine and Eugene V. Stine."

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. M. No. 9, on the subject of the judiciary of the Territory, have had the same under consideration, and herewith report a substitute therefor, and respectfully recommend that the substitute do pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: Your committee on judiciary, to whom was referred C. B. No. 71, "An act to incorporate Blackfoot City, in Oneida county," have had the same under consideration, and herewith respectfully report the same back, without recommendation.

JOHNSON, Chairman.

On motion, Mr. Morrison was granted permission to withdraw Council Bill No. 71 from the Council.

COUNCIL CHAMBER,
BOISE CITY, I. T., February 9, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 74, "An act regulating the collection of revenues and pay of the assessor of Boise county," have had the same under consideration, and herewith report the same back, and respectfully recommend that the bill do not pass.

JOHNSON, Chairman.

At 10:22 A. M. the President announced that he was about to sign Council Bill No. 57, relating to the keeping and management of Territorial prisoners; and Council Bill No. 39, "An act to amend an act entitled 'An act defining the duties and fees of county officers,' approved Jan. 13. A. D. 1871."

On motion of Mr. Johnson, the Governor's message relating to Council Bill No. 35, was taken up for consideration.

The question being, Shall the bill pass, notwithstanding the objections of the Governor?

Mr. Johnson demanded a call of the Council.

Absent—Mr. Budge.

Sergeant-at-arms directed to bring in absentee.

Mr. Budge appeared; excused, and further proceedings under the call dispensed with.

Question upon passage of bill.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley,

Johnson, Morrison, Murray, Poe, Wilmot, and Mr. President—11.

Nays—Mr. Peck—1.

So the bill passed, notwithstanding the objections of the Governor.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
HOUSE CHAMBER, Feb. 9, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has passed C. B. No. 56, "Amendatory of the revenue laws;" also C. B. No. 60, "An act to provide desk for clerk of the Supreme Court;" also C. B. No. 58, "An act to secure the collection of poll taxes;" also C. B. No. 66, "An act to provide a salary for the probate judge of Ada county;" also, the House has indefinately postponed substitute for C. B. No, 49, "An act, supplementary to 'An act, relating to roads, Bridges, etc.'"

T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has passed the following bills:

H. B. No. 47, "An act defining the duty of Co. Supt. of Ada Co."

H. B. No. 70, "An act to provide for the building of a bridge across Payette river."

H. B. No. 78, "An act in relation to the transfer of common property."

H. B. No. 87, "An act to provide for a free bridge across Boise river."

H. B. No. 90, "An act to amend Sec. 76 of the revenue law."

H. B. No. 94, "An act to dissolve the bonds of matrimony between Bilyer vs. Bilyer."

H. B. No. 100, "An act to dissolve the bonds of matrimony between Pollard and Pollard."

H. B. No. 102. "An act to dissolve the bonds of matrimony between Stumps and Stumps."

H. B. No. 106, "An act to dissolve the bonds of matrimony between Robbins and Robbins."

H. B. No. 104, "An act relating to Custer Co."

H. B. No. 96, "An act relating to Mutual Saving and Loan Association."

H. B. No. 109, "An act to amend the Criminal Practice Act."

Also House Memorial No. 10.

All of which are herewith transmitted, and respectfully ask the concurrence of the Hon. Council thereto.

Respectfully,

T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 8, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has concurred in Council amendments to H. B. No. 35, "An act relating to district attorneys;" has also had under consideration C. B. No. 59, "An act concerning quail, etc., in Idaho Territory;" have amended Sec. 1 of said bill, passed as amended, and respectfully ask the concurrence of the Hon. Council therein,

Respectfully,

T. D. CAHALAN, Chief Clerk.

HOUSE BILLS.

House Bill No. 104, "An act supplementary to an act entitled 'An act organizing the county of Custer,' approved Jan. 8, 1881," was taken up, read first and second times, and referred to the delegation from Lemhi county.

House Bill No. 106, "An act to dissolve the bonds of matrimony between Orlando Robbins and Melinda Robbins," was taken up, read first and second times, and referred to the delegations from Boise county.

House Bill No. 100, "An act to dissolve the bonds of matrimony between Jane E. Pollard and John Pollard," was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 102, "An act to dissolve the bonds of matrimony between J. F. Stumps and Tillis S. Stumps, was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 94, "An act to dissolve the bonds of matrimony between Malisa Bilyer and Andrew Bilyer," was taken up, read first and second times, and referred to the committee on judiciary.

House Memorial No. 10, relating to Nez Perce Indian Reservation," was taken up, read first and second times; rules suspended, Memorial read third time, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the Memorial passed.

House Bill No. 109, "An act entitled 'An act to amend section 539 of the Criminal Practice Act, of Idaho Territory,'" was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 96, "An act to provide for the incorporation of mutual, savings, and loan associations," was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 78, "An act in relation to the transfer of common property," was taken up, read first and second times, and referred to the committee on judiciary.

House Bill No. 47, "An act defining the duty and power of the county superintendent of Ada county," was taken up, read first and second times, and referred to the committee on education.

House Bill No. 70, "A bill to provide for the building of a bridge across Payette river, at or near Hunt's ferry, on the Boise and Umatilla stage road," was taken up, read first and second times, and referred to the delegations from the counties of Washington and Ada.

House Bill No. 87, "An act to provide a free bridge across Boise river, near Boise City, in Ada county, and to establish a bridge commission in said county," was taken up, read first and second times, and referred to the delegation from Ada county.

House Bill No. 90, "An act to amend section 76 of the revenue law," was taken up, read first and second times, and referred to the committee on finance.

HOUSE AMENDMENTS TO COUNCIL BILLS.

Council Bill No. 59, "An act to protect quail and partridges in Idaho Territory," was taken up and referred to the committee on military affairs, for the consideration of House amendment thereto.

GENERAL CALENDAR.

House Memorial No. 9, "relating to federal judges and their compensation," was taken up, the Council substitute therefor adopted, and read a third time, and placed upon its final passage.

The question being, Shall the Memorial pass?

The ayes and nays were called.

Ayes—Messrs. Anderson Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the Memorial passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: Your committee on enrolled bills beg leave to report that they have examined and found correctly enrolled Council Bill No. 39, "An act to amend an act entitled 'An act defining the duties and fees of county officers;'" also Council Bill No. 57, "An act to provide for the keeping, discipline, and management of the Territorial prisoners," and have presented the same at 10:30 A. M. this day, to the Governor for his approval.

BUDGE, Chairman.

GENERAL CALENDAR.

House Bill No. 74, "An act regulating the collection of revenue and pay of the assessor of Boise county," was taken up, and on motion of Mr. Johnson, the consideration thereof was indefinitely postponed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President.

Absent—Mr. Morrison.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT, IDAHO TERRITORY,
BOISE CITY, Feb. 9, 1881.

To the Hon. President of the Council,

Sir: I have this day approved Council Bill No. 39, "To amend an act entitled 'An act defining the duties and fees

of county officers;'" Council Bill No. 54, "Providing for the erection of a county court house and jail building at Boise city, the county seat of Ada county;" Council Bill No. 46, "Supplementary to an act entitled 'An act concerning chattel mortgages,' approved Jan. 12. 1875;" and Council Bill No. 48, "To amend the charter of the City of Lewiston."

Very respectfully your ob't s'v't,
J. B. NEIL, Governor.

INTRODUCTION OF BILLS.

Mr. Dilley, by leave, introduced the following Council Bill:

Council Bill No. 73, "An act to incorporate the Idaho Central Railroad Company."

Read a first time, and objection made to a second reading thereof.

The question being, Shall the bill be rejected?

Mr. Dilley asked and obtained unánimous consent to withdraw said bill from the Council.

At 2:05 P. M. the President announced that he was about to sign House Bill No. 35, "An act relating to district attorneys and their duties"; House Bill No. 84, "relating to the issue of certain warrants in Alturas county"; House Bill No. 28, "An act relating to public schools"; and House Bill No. 98, "An act to tax dogs in Bear Lake county."

Mr. Hailey, by leave, introduced the following Council Bill:

Council Bill No. 74, "An act granting leave of absence to T. J. Curtis, probate judge of Ada county.

Read first and second times, and referred to the delegation from Ada county.

Mr. Johnson, by leave, introduced the following Council Bill:

Council Bill No. 75, "An act to exempt county, city, and school district bonds from taxation."

Read first and second times, and referred to the committee on education.

Mr. Anderson, by unanimous consent, introduced the following Council Bill:

Council Bill No. 76, "An act in relation to rates of interest upon contracts in writing in the county of Custer."

Read first and second times, rules suspended, bill considered, engrossed, read third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Johnson, Morrison, Peck, Poe, Wilmot, and Mr. President—10.

Nays—Messrs. Dilley and Murray—2.

So the bill passed.

Mr. Anderson, by leave, introduced the following Council Bill:

Council Bill No. 77, "An act to provide for readjusting and apportioning the representation to the Houses of the Legislative Assembly from the counties of Lemhi and Custer."

Read first and second times, and referred to delegation from Lemhi county.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 9, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 109, "An act to amend section 539 of the Criminal Practice Act of Idaho Territory," have had the same under consideration, and herewith report a substitute therefor, and respectfully recommend the passage of the substitute.

JOHNSON Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., February 9, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 94, "An act to dissolve the bonds of matrimony between Malissa Bilyer and Andrew Bilyer," have had the same under consideration, and herewith report the same back, and respectfully recommend that the bill do not pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., February 9, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 102, "An act to dissolve the bonds of matrimony heretofore existing between J. F. Stumps and Fillis S. Stumps, his wife," have had the same under consideration, and herewith report the same back, and respectfully recommend that it do not pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., February 9, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 78, "An act in relation to the transfer of common property," have had the same under consideration, and herewith report the same back, and respectfully recommend that the bill do not pass.

JOHNSON, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., February 9, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 100, "An act to dissolve the bonds of matrimony between Jane E. Pollard and John Pollard, her husband," have had the same under consideration, and herewith respectfully report the same back, without recommendation.

JOHNSON, Chairman.

Mr. Cobb, from the committee on finance, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: Your committee on finance, to whom was referred H. B. No. 90, "An act to amend the revenue law," have had the same under consideration, and report the same back, and recommend that it do pass.

COBB, Chairman.

Mr. Murray, from the committee on elections, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: Your committee on elections, to whom was referred C. B. No. 69, "An act to readjust and apportion the representation to the two Houses of the Legislative Assembly among the several counties of the Territory," have had said bill under consideration, and herewith report the same back, without recommendation.

MURRAY, Chairman.

Mr. Wilmot, from the committee on military affairs, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: Your committee on military affairs, to whom was referred House substitute for Council Bill No. 59, would respectfully report that they have carefully ex-

amined the same, and would recommend that the Council do not concur in the amendment thereto.

WILMOT, Chairman.

Mr. Johnson, from the committee on education, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 9, 1881.

Mr. President: Your committee on education, to whom was referred H. B. No. 47, "An act defining the duty and power of the county school superintendent of Ada county," have had the same under consideration and herewith report the same back and recommend that it do pass.

JOHNSON, Chairman.

GENERAL CALENDAR.

House Bill No. 109, "An act entitled "An act to amend section 539 of the Criminal Practice Act of Idaho Territory," was taken up, Council substitute therefor adopted, in lieu of the original bill, rules suspended, bill read third time and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

House Bill No. 94, "An act to dissolve the bonds of matrimony between Malissa Bilyer and Andrew Bilyer," was taken up, and the rules were suspended, the bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—none.

Nays—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President—11.

Excused—Mr. Wilmot.

So the bill failed to pass.

House Bill No. 102, "An act to dissolve the bonds of matrimony between J. F. Stumps and Fillis S. Stumps," was taken up, the rules suspended, the bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—none.

Nays—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, and Mr. President —11.

Excused—Mr. Wilmot.

So the bill failed to pass.

House Bill No. 78, "An act in relation to the transfer of common property," was taken up, the rules suspended, the bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Morrison, Poe, Wilmot—3.

Nays—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, and Mr. President—9.

So the bill failed to pass.

House Bill No. 90, "An act to amend section 76 of the revenue law," was taken up, the rules suspended, and the bill read a third time.

On motion of Mr. Poe, the bill was amended by striking out the word "culinary" in line 21 of section one.

The bill having been read a third time, and the question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

House Bill No. 100, "An act to dissolve the bonds of matrimony between Jane E. Pollard and John Pollard," was taken up, the rules suspended, and the bill read a third time.

On motion of Mr. Johnson, the further consideration of the bill was postponed until 6:30 P. M.

House Bill No. 47, "An act defining the duty and power of the county superintendent of Ada county," was taken up, the rules suspended, the bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Council Bill No. 59, "An act to protect quail and partridges in Idaho Territory," was taken up, and the Council refused to concur in House amendment thereto.

Council Bill No. 69, "An act to re-apportion the representation in the two Houses of the Legislative Assembly," was taken up, read a third time, and on motion of Mr. Johnson, indefinitely postponed.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Anderson, to whom was referred C. B. No. 77, relating to the representation of the counties of Lemhi and Custer, in the Legislative Assembly, by unanimous consent, made a verbal report thereon, and recommended the passage of the bill.

On motion, the rules were suspended, C. B. No. 77, was considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on education, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: Your committee on education, to whom was referred C. B. No. 75, "An act to exempt county, city, and school district bonds from taxation," have had the same under consideration, and herewith report the same back, and respectfully recommend that the bill do pass.

JOHNSON, Chairman.

On motion of Mr. Johnson, the rules were suspended.

Council Bill No. 75, was considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, and Mr. President—10.

Nays—Messrs. Morrison and Wilmot—2.

So the bill passed.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed substitute for H. B. No. 23, "An act to amend the general school law of I. T." and respectfully ask the concurrence of the Hon. Council therein.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives have had under consideration C. B. No. 35, "An act to better define the eastern boundary line of the county of Cassia and the objections of the Governor thereto, and have passed said bill nothwithstanding the objections of the Governor by a vote of fifteen in the affirmative to six in the negative. Said bill is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives have had under consideration and indefinitely postponed C. B. No. 53, "An act authorizing the building of a court house and jail in the city of Lewiston," which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives have had under consideration and passed C. B. No. 68, "An act to amend an act to incorporate the city of Lewiston." Also have amended, and passed as amended, C. B. No. 72, "An act relative to the location and recording of mining claims," and respectfully ask the concurrence of the Honorable Council in said amendment. All of which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives have had under consideration Council substitute for H. M. No. 9, "Praying for an increase of federal judges and their compensation," and have adopted said substitute.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE AMENDMENTS TO COUNCIL BILLS.

Council Bill No. 62, "An act relating to the location and recording of mining claims," was taken up, and House amendments thereto concurred in.

HOUSE BILLS.

House substitute for House Bill No. 23, "An act to amend the general school law of Idaho Territory," was taken up, read first and second times, rules suspended, bill read third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Cowen, Dilley, Morrison, Murray, Poe and Wilmot—6.

Nays—Messrs. Cobb, Johnson, Peck and Mr. President—4.

So the bill passed.

At 3:30 P. M., the President announced that he was about to sign House Memorial No. 10, relating to Nez Perce Indian Reservation.

On motion, the Council took a recess until 6 o'clock P. M.

EVENING SESSION.

The Council resumed its session at 6 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Johnson, from the Ada county delegation, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: Your committee, the Ada county dele-

gation, to whom was referred House substitute for H. B. No. 87, "An act to provide a free bridge across Boise River, near Boise City, in Ada county, and to establish a bridge commission in said county," have had the same under consideration, and herewith report the same back, and recommend that the bil do pass.

HAILEY,
JOHNSON.

On motion of Mr. Johnson, the rules were suspended, bill taken up, read a third time, and placed upon its final passage.

The question being, Shall the bill pass ?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—12.

Nays—none.

So the bill passed.

Mr. Murray, from Boise county delegation, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: The undersigned member of Council from Boise county, to whom was referred House Bill No. 106, "An act to dissolve the bonds of matrimony now and heretofore existing between Orlando Robbins and Melinda Robbins, his wife," has carefully considered the same, and is of the opinion that the evidence fully entitles the petitioner to a divorce, and therefore respectfully recommend that said bill do pass.

MURRAY.

On motion, H. B. No, 106, "An act to dissolve the bonds of matrimony now and heretofore existing between Orlando Robbins and Melinda Robbins, his wife," was taken up, the rules suspended, bill read third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Morrison, Murray, Peck, Poe, and Mr. President—8.

Nays—Mr. Johnson—1.

Absent—Messrs. Budge and Dilley.

Excused—Mr. Wilmot.

So the bill passed.

Mr. Johnson, from the Ada and Washington counties,

delegations, by unanimous consent, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 9, 1881.

Mr. President: Your committee, Ada and Washington delegations, to whom was referred H. B. No. 70, "A bill to provide for the building of a bridge across Payette river at or near Hunt's Ferry, on the Boise and Umatilla stage road," have had the same under consideration, and herewith report the same back, and respectfully recommend the adoption of the amendments, and the bill as amended.

HAILEY,
JOHNSON.

On motion, H. B. No. 70, "A bill to provide for the building of a bridge across Payette river at or near Hunt's Ferry, on the Boise and Umatilla stage road," was taken up, and House amendments thereto adopted; the rules were suspended, bill read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Morrison, Murray, Peck, Poe, Wilmot, and Mr. President—11.

Nays—none.

Absent—Mr. Budge.

So the bill passed.

INTRODUCTION OF BILLS.

Mr. Cobb, by unanimous consent, introduced the following Council Bill:

Council Bill No. 78, "An act to continue in force certain provisions of an act entitled 'An act regulating salaries and fees, and the collection and disbursements of revenues, etc."

Read first and second times, and on motion of Mr. Cobb, the rules were suspended, the bill was considered engrossed, read a third time and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Dilley, Johnson, Murray, Poe, and Mr. President—7.

Nays—Messrs. Cowen, Morrison, Peck, and Wilmot—4.

Absent—Mr. Budge.

So the bill passed.

Mr. Johnson, from the Ada delegation, by leave, present the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 9, 1881.

Mr. President: Your committee, the Ada county delegation, to whom was referred C. B. No. 74, "An act granting leave of absence to T. J. Curtis, probate judge of Ada county," have had the same under consideration and herewith respectfully report the same back without recommendation.

JOHNSON,
HAILEY.

On motion of Mr. Johnson, C. B. No. 74, "An act to grant leave of absence to T. J. Curtis, probate judge of Ada county," was taken up, the rules suspended, bill read a third time and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Morrison, Peck, Poe, Wilmot, and Mr. President—8.

Nays—Messrs. Dilley, Johnson, and Murray—3.

Absent—Mr. Budge.

So the bill passed.

H. B. No, 100, "An act to dissolve the bonds of matrimony between Jane E. Pollard and John Pollard, being a special order for this hour, was taken up, and the rules were suspended, the bill read third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Morrison, Murray, Peck, Poe, and Mr. President—9.

Nays—Messrs. Dilley and Johnson—2.

Excused—Mr. Wilmot.

So the bill passed.

At 6:47, the President announced that he was about to sign C. B. No. 68, "An act supplementary to an act entitled 'An act to amend the charter of the city of Lewiston;'" C. B, No. 60, "An act to provide an additional desk for the office of the clerk of the Supreme Court;" C. B. No. 58, "An act to secure the collection of poll taxes"; C. B. No. 22, "An act creating the office of Dis't Att'y for each of the organized counties of Idaho Territory and defining their duties and compensation," C. B. No. 41, "An act to provide a uniform system of Territorial and county reve-

nue, and for the assessing and collecting of the same, C. B. No. 66, "An act fixing the salary of the probate judge of Ada county and providing for the payment of the same'"; and C. B. No. 56, "An act to amend the revenue law of Idaho."

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: I am directed to inform your Hon. body that the House of Representatives has had under consideration H. B. No. 9, creating a contingent fund for Bear Lake county, which was this day returned to the House without the approval of the Governor?

Upon the question being, Shall the bill pass, notwithstanding the objections of the Governor,

The ayes and nays were called, with the following result:

Ayes—Brumback, Callaway, Cummings, Dempsey, Dudley Gilson, Gray, Hart, Hedrick, Hibbs, Jeffrey, Jones, Langdon, Nichols, Rich, Webster, Wood, and Mr. Speaker—18.

Nays—Campbell, Garrett, Onderdonk, and Stalker—4.

Absent—Girton and Pefly.

So the bill passed, notwithstanding the objections of the Governor.

Said bill and objections are herewith transmitted, and the House respectfully asks the concurrence of the Hon. Council thereto.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration C. B. No. 37, relating to "salaries, fees and collection of revenue in Alturas county," has amended sections one and two of said bill and passed the same as amended, all of which are herewith transmitted, and respectfully ask the concurrence of the Honorable Council thereto.

Respectfully,
T. D. CAHALAN, Chief Clerk.

H. B. No. 91, "An act to create a contingent fund for Bear Lake county," together with the objections of the Governor, was taken up for consideration.

The question being, Shall the bill pass notwithstanding the objections of the Governor?

The ayes and nays were called.

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President —11.

Nays—Mr. Morrison—1.

So the bill passed, notwithstanding the objections of the Governor.

Council Bill No. 37, "An act regulating salaries, and fees, and the collection of revenues in Alturas county," was taken up, and on motion of Mr. Johnson the consideration thereof was postponed until 12 o"clock, Saturday, February 12, 1881.

On motion, Mr. Dilley was allowed to withdraw C. B. No. 37 from the Council.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Anderson, from the Lemhi delegation, by leave, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 9, 1881.

Mr. President: The delegation from Lemhi county to whom was referred House Bill No. 104, entitled "An act supplementary to an act entitled 'An act organizing the county of Custer,' approved Jan. 8, 1881," has had the same under consideration, and respectfully submits the following report: That at this late period of the session, the bill comes before us under circumstances which do not commend it to favorable action. The delegation in the two Houses, from Lemhi county, at an early period of the session, with entire unanimity, agreed upon the bill to create Custer county, without providing for the assumption of any part of a debt of Lemhi county. This action was based upon assurances that the debt was very small, and that the county property, consisting of a court house, jail, etc., situated at Salmon city, would be enjoyed by the old county of Lemhi, this would amply compensate to said county any debt which might otherwise be made a just charge upon the new county of Custer. With this understanding the undersigned proceeded to carry out the earnest wishes of the great majority of the people now comprehended in the boundaries of the new county, and as he supposed with the approbation of that community remaining under the old organization of Lemhi. This bill coming in the closing days of the session, makes no provision for estimating the value of the county property which must necessarily

remain to the exclusive enjoyment of Lemhi, or taking it into consideration in ascertaining what shall be paid of any existing debt thereof, by the county of Custer. This is not, either in accordance with the tacit understanding between the people of the respective sections, or just or equitable in itself.

The undersigned, to whom the said bill was referred, therefore, in reporting the bill back, respectfully recommends that the same be indefinitely postponed.

W. F. ANDERSON.

House Bill No. 104, entitled "An act supplementary to an act entitled 'An act organizing the county of Custer,' approved January 8, 1881," was taken up for consideration.

Mr. Poe moved that the rules be suspended, that H. B. No. 104 be read a third time and placed upon its final passage.

Motion lost.

On motion of Mr. Anderson, H. B. No. 104 was laid on the table.

On motion the Council adjourned until 10 o'clock A. M., Thursday, Feb. 10, 1881.

JOHN HAILEY, President.

J. H. WICKERSHAM, Chief Clerk.

SIXTIETH DAY.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

The Council met at 10 o'clock A. M., pursuant to adjournment.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Poe, Wilmot, and Mr. President.

Absent—Messrs. Morrison and Peck.

Prayer by the chaplain.

Journal of yesterday read and approved.

At 10:35 A. M., the President announced that he was about to sign Council Bill No. 62, "An act relating to the location and recording of mining claims."

RESOLUTIONS.

Mr. Poe, by leave, introduced Council Joint Resolution

No. 6, providing for an annual appropriation of $250 to the historical society of Idaho Pioneers, read first and second times, and referred to the general calendar.

Mr. Johnson, by leave, introduced Council Joint Resolution No. 7, relating to the compensation of certain attaches of the Council, read first and second times, and referred to the general calendar.

INTRODUCTION OF BILLS.

Mr. Peck, by leave, introduced the following Council Bill:

Council Bill No. 79, "An act to amend an act fixing the salary of certain officers in Oneida county, read first and second times.

On motion of Mr. Peck, the bill was amended by striking out all of section four.

On motion of Mr. Johnson, the bill was further amended by adding the word "regular" before the word "sessions" in line four of section five of the bill as introduced; and by adding the words, "and shall receive no other compensation from said county," at the end of sections one, two, three, four, and five, of the bill as amended.

On motion, the rules were suspended, Council Bill No. 79 was considered, engrossed, read a third time, as amended, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President—9.

Nays—none.

Absent—Messrs. Anderson, Budge, and Morrison.

Mr. Dilley, by leave, introduced the following Council Bill:

Council Bill No. 80, "An act regulating the salaries and fees of certain officers in Alturas county," read first and second times; rules suspended, bill considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President—9.

Nays—none.

Absent—Messrs. Anderson, Budge, and Morrison.

So the bill passed.

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., February 10, 1881.

Mr. President: Your committee on enrolled bills respectfully report that they have examined and found correctly enrolled Council Bill No. 60, "An act to provide an additional desk for the office of the clerk of the Supreme Court;" Council Bill No. 22, "An act creating the office of district attorney for each of the organized counties of Idaho Territory, and defining their duties and compensation;" Council Bill No. 58, "An act to secure the collection of poll taxes;" Council Bill No. 66, "An act fixing the salary of the probate judge of Ada county;" also substitute for Council Bill No. 56, "An act to amend an act entitled 'An act to provide a uniform system of Territorial and county revenue;'" and substitute for Council Bill No. 41, "An act to regulate the manner of collecting Territorial and county revenue in Idaho Territory," and yesterday, at 7 o'clock P. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined and found correctly enrolled, Council Bill No. 68, "An act supplementary to an act entitled 'An act to amend the charter of the city of Lewiston,' approved Feb. 9, 1881," and yesterday, at 7 o'clock P. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

GENERAL CALENDAR.

Council Joint Resolution No. 6, providing for an appropriation of $250 per annum to the Historic Society of Idaho Pioneers, was taken up, and on motion of Mr. Poe, the Council resolved itself into committee of the whole for the consideration thereof.

COMMITTEE OF THE WHOLE.

Mr. Cobb in the chair.

Resolution considered, and its passage recommended.

The committee arose, and reported as above to the President.

IN COUNCIL.

President Hailey in the chair.

Report of the committee of the whole adopted in Council.

Rules suspended, resolution considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the resolution pass?

The ayes and nays were called.

Ayes—Messrs. Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President—9.

Nays—none.

Absent—Messrs. Anderson, Budge, and Morrison.

So the resolution passed.

On motion of Mr. Johnson, the Council resolved itself into committee of the whole for the consideration of Council Joint Resolution No. 7, relating to the compensation of certain attaches of the Council.

COMMITTEE OF THE WHOLE.

Mr. Cobb, in the chair.

Resolution considered, and passage recommended.

The committee arose, and reported as above, to the President.

IN COUNCIL.

President Hailey in the chair.

Report of the committee of the whole adopted in Council.

Rules suspended, resolution considered, engrossed, read a third time, and placed upon its final passage.

The question being, Shall the resolution pass?

The ayes and nays were called.

Ayes—Messrs. Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President—9.

Nays—none.

Absent—Messrs. Anderson, Budge and Morrison.

So the resolution passed.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body, that the House of Representatives has had under consideration and passed H. B. No. 78, "An act in relation to fees, etc., in Owyhee county," which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

On motion of Mr. Johnson, the Council record of bills was read and approved.

At 11:55 the President announced that he was about to sign Council Bill No. 33, "An act to regulate the right to use of water for mining, agricultural, manufacturing, and other purposes.

REPORTS FROM STANDING COMMITTEES.

Mr. Anderson, from the committee on counties and county boundaries, by unanimous consent, reported verbally upon Council Bill No. 15, "An act to extend the powers of the county commissioners of Oneida county," and recommended its indefinite postponement.

Report adopted, and bill indefinitely postponed.

On motion, the Council took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Council resumed its session at 2 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President —11.

Absent—Mr. Morrison.

REPORTS FROM STANDING COMMITTEES.

Mr. Johnson, from the committee on judiciary, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on judiciary, to whom was referred H. B. No. 96, "An act to provide for the incorporation of mutual savings fund and loan associations," have had the same under consideration and herewith report the same back, and respectfully recommend that the bill do not pass.

JOHNSON, Chairman.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and indefinitely postponed C. B. No. 76, "An

act in relation to rates of interest upon contracts of writing in the county of Custer." Also have rejected on second reading C. B. No. 75, "An act to exempt certain bonds from taxation." Also has had under consideration Council Bill No. 59, "An act to protect quails and partridges in I. T.," and the amendments thereto, and has indefinitely postponed the same. Also has concurred in Council amendments to H. B. No. 90, "An act to amend section 76 of the revenue law." All of said bills are herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

GENERAL CALENDAR.

House Bill No. 96, "An act to provide for the incorporation of mutual savings fund and loan associations," was taken up, and on motion of Mr. Johnson made the special order for 12 M., Monday, Feb. 14, 1881.

At 2:07 P. M. the President announced that he was about to sign Council Bill No. 78, "An act to continue in force certain provisions of an act regulating salaries, and fees, and the collection and disbursement of revenues in Owyhee county."

REPORTS FROM STANDING COMMITTEES.

Mr. Wilmot, from the committee on military affairs, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee to whom was referred House Bill No. 107, would respectfully report the same back, and recommend that it do pass.

WILMOT, Chairman.

On motion of Mr. Johnson the rules were suspended, House Bill No. 107 read a third time, and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called.

Ayes—Messrs. Anderson, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President—10.

Nays—none.

Absent—Messrs. Budge and Morrison.

So the bill passed.

Mr. Budge, from the committee on enrolled bills, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on enrolled bills beg leave to report that they have examined and found correctly enrolled, Council Bill No. 62, "An act relating to the location and recording of mining claims," and have this day, at 10:45 A. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on enrolled bills respectfully report that they have examined and found correctly enrolled, Council Bill No. 33, "An act to regulate the right to the use of water for mining, agricultural, manufacturing, and other purposes, and have presented the same this day, at 12:45 P. M., to the Governor for his approval.

BUDGE, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on enrolled bills beg leave to report that they have this day taken substitute for Council Bill No. 35, "An act to better define the eastern boundaries of Cassia county," which was passed, notwithstanding the veto of the Governor, and delivered it to the secretary of the Territory, at 11:45 A. M.

BUDGE, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined and found correctly enrolled, Council Bill No. 78, "An act to continue in force certain provisions of an act entitled 'An act regulating salaries and fees, and the collection and disbursements of revenues in Owyhee county,' approved Jan. 9, 1877," and have presented the same, at 2:15 P. M. this day, to the Governor for his approval.

BUDGE, Chairman.

At 2:30 P. M., the President announced that he was about to sign House Bill No. 70, a bill to provide for the building of a bridge across Payette River, at or near Hunt's Ferry, on the Boise and Umatilla stage road.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY,
BOISE CITY, February 10, 1881.

To the Honorable President of the Council,

SIR: I have this day approved Council Bill No. 66, "fixing the salary of the probate judge of Ada county, and providing for the payment of the same;" Council Bill No. 60, "to provide an additional desk for the office of the clerk of the Supreme Court;" Council Bill No. 62, "relating to the location and recording of mining claims;" Council Bill No. 68, "supplementary to an act entitled an act to amend the charter of the city of Lewiston," approved February 9, 1881; Council Bill No. 61, "to provide for the election of county school superintendents in certain counties of this Territory;" Council Bill No. 22, "creating the office of district attorney for each of the organized counties of Idaho Territory, and defining their duties and compensation;" Council Bill No. 41, "to regulate the manner of collecting Territorial and county revenue in Idaho Territory;" Council Bill No. 56, "to amend an act entitled 'An act to provide a uniform system of Territorial and county revenue, and for the assessing and collecting the same,' approved January 15, 1875;" Council Bill No. 58, "to secure the collection of poll-taxes;" Council Bill No. 33, "to regulate the right to the use of water for mining, agricultural, manufacturing, and other purposes;" Council Bill No. 57, "to provide for the keeping, discipline and management of the Territorial prisoners," and Council Bill No. 78, "to continue in force certain provisions of an act entitled 'An act regulating salaries and fees, and the collection and disbursement of revenues in Owyhee county,' approved January 9, 1877."

Very respectfully, your ob't s'v't,
J. B. NEIL, Governor.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President—I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. B. No. 110, "An act to incorporate the Idaho Central Railroad company," which is herewith transmitted, and respectfully asks the concurrence of the Hon. Council therein.

Respectfully, T. D. CAHALAN, Chief Clerk.

On motion of Mr. Johnson, House Bill No. 110, transmitted by message from the House, was referred to W. F. Anderson, member from Lemhi county.

At 3:53 P. M. the President announced that he was about to sign H. B. No. 87, "An act to provide a free bridge across Boise river near Boise City, in Ada county, and to establish a bridge commission in said county;" House Memorial No. 9, relating to an increase of the number of Federal judges and of their compensation; House Memorial No. 11, relating to Nez Perce Indian Reservation; House Bill No. 47, "An act defining the duty and power of the county superintendent of Ada county;" House Bill No. 100, "An act to dissolve the bonds of matrimony between Jane E. Pollard and John Pollard;" and House Bill No. 106, "An act to dissolve the bonds of matrimony between Orlando Robbins and Malinda Robbins.

On motion of Mr. Anderson, the chair was requested to appoint a committee of two to wait upon His Excellency, the Governor, and inform him that a room adjoining the Council Chamber has been provided for his use during the closing hours of the Legislative Assembly, and that he be invited to occupy the same.

The chair appointed Messrs. Anderson and Peck as such committee.

On motion of Mr. Johnson, the sergeant-at-arms was directed to wait upon the engrossing and enrolling clerks, and request their attendance at the Council Chamber at 6:30 P. M., to attend to such duties as may be required of them.

Mr. Poe, from the special committee appointed under Council Resolutions Nos. 4 and 5, directing an investigation into the books and accounts of the Territorial controller and treasurer, by leave, made a verbal report, and asked that said committee be discharged.

Report adopted and committee discharged.

On motion, the Council took a recess until 6 o'clock P. M.

EVENING SESSION.

The Council resumed its session at 6 o'clock P. M.

President Hailey in the chair.

ROLL CALLED.

Present—Messrs. Anderson, Budge, Cowen, Dilley, Johnson, Murray, Peck, Poe, and Mr. President.

Absent—Messrs. Cobb, Morrison, and Wilmot.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives have had under consideration C. B. No. 77, "An act to provide for regulating and apportioning the representation of the Legislative Assembly from the counties of Lemhi and Custer," and have passed a substitute therefor, which is herewith transmitted, and respectfully ask the concurrence of the Hon. Council therein.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives have had under consideration and defeated C. B. No. 63, "An act supplementary to and amendatory of 'An act defining the duties of Territorial controller, etc.,'" which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives have had under consideration and passed C. J. R. No. 6, "An act in regard to the Pioneer Historical Society, etc.," which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. J. R. No. 11, "in regard to payment for certain newspapers, etc.," which is herewith transmitted, and respectfully ask the concurrence of the Hon. Council therein.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE AMENDMENTS TO COUNCIL BILLS.

Council Bill No. 77, "An act relating to the representa-

tion of the counties of Lemhi and Custer in the Legislative Assembly," was taken up, and House substitute therefor read and adopted.

Mr. Anderson, from the special committee appointed to wait upon the Governor and invite him to occupy the room provided for him, adjoining the Council Chamber, reported that the committee had discharged the duty assigned them, and that His Excellency had accepted the invitation of the Council.

House Joint Resolution No. 11, providing for the payment of certain newspapers furnished the Legislative Assembly, was taken up for consideration, read first and second times, and adopted.

Title amended.

At 7: 20 P. M. the President announced that he was about to sign Council Joint Resolution No. 6, providing for an appropriation of $250 per annum to the Historical Society of Idaho Pioneers.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Anderson, member from Lemhi county, to whom was referred House Bill No. 110, by leave, presented the following report:

COUNCIL CHAMBER,
Feb. 10, 1881.

Mr. President: The undersigned of the Council from the county of Lemhi, to whom was referred House Bill No. 110, "An act to incorporate the Idaho Central Railroad Company," has had the same under consideration, and can discover no reason why the Council should not concur with the House of Representatives in the passage thereof, except a slight one for which the Congress of the United States may justly be said to be responsible. It appears that the National Legislature, in passing a system of general public laws, known, and required to be referred to, as the revised statutes of the United States, by a freak of unaccountable legislative eccentricity, incorporated a provision, which is designated as Sec. 1889, in words and figures following, that is to say: "Sec. 1889. The Legislative Assemblies of the several Territories shall not grant private charters or special privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing and other industrial pursuits, or the construction or operation of *railroads*, wagon roads, irrigating ditches, and the coloni-

zation and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable or scientific association."

There is nothing but this act of Congress, which your committee has been able to discover, that stands in the way of the passage of this "Act for the incorporation of the Idaho central railroad company." As Mr. Cooley, and other distinguished jurists, however, persist in holding that incorporation acts for particular railroad companies are private charters; and as your committee is unable, by any process known to him, to construe this act for a particular railroad into a general incorporation act, he is with many and painful regrets constrained to say, that although the objection raised under the act of Congress aforesaid is "neither as deep as a well, nor as wide as a barn door," still, in the language of the immortal Shakspeare, your committee opines that "it is enough." When a distinguished soldier, in excusing himself to his gracious sovereign for not firing a salute in honor of his majesty, proposed to give 49 reasons for not firing the salute aforesaid, commenced his address by saying "In the *first* place, your majesty, I had no gunpowder," the sensible king informed the courtly soldier that he need not proceed with any of his other reasons.

Your committee might possibly find other objections to the bill under consideration, but it seems to me that as we have no powder, we had better not fire a salute.

All of which is respectfully submitted.

W. F. ANDERSON.

P. S.—Your committee on examination, finding that there is no special order for Tuesday next, respectfully recommends that the bill aforesaid, and hereinbefore mentioned and described, be and the same be made and set down as the special order for that day, immediately after the morning exercises by the chaplain, and before the reading of the journal.

Respectfully,

W. F. ANDERSON.

Report adopted, and bill made the special order for Tuesday, February 15, 1881, after prayer by the chaplain.

At 7:25 P. M. the President announced that he was about to sign House Bill No. 90, "An act to amend section 76 of the revenue law;" House Bill No. 23, "An act to amend the general school law of Idaho Territory;" House Bill No. 107, "An act to amend an act to protect certain game in Idaho

Territory, approved Jan. 12, 1878;" and House Bill No. 109, "An act entitled 'An act to amend section 539 of the criminal Practice act of Idaho Territory.'"

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives have had under consideration and passed C. B. No. 79, "An act amending an act fixing the salaries of certain officers of Oneida Co.," which is herewith transmitted. The House has also concurred in Council amendment to title to H. J. Resolution No. 11, in regard to newspapers, etc.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President; I am directed to inform your Honorable body that the House of Representatives has had under consideration C. B. No. 65, "An act to amend an act entitled 'An act to provide for the public printing and for the distribution of the laws and journals,'" and passed the same, which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed C. B. No. 80, in relation to fees and salaries of certain officers of Alturas Co., which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY,
BOISE CITY, Feb. 10, 1881.

To the Hon. President of the Council,

Sir: I have this day approved Council Joint Resolution No. 6, "Appropriating two hundred and fifty dollars to the trustees of the Historical Society of Idaho."

Very respectfully, your ob't s'v't,
JNO. B. NEIL, Governor.

At 8 o'clock P. M., the President announced that he was about to sign Council Bill No. 79, "An act to amend an act fixing the salary of certain officers in Oneida county;" and Council Bill No. 77, "An act relating to the representation in the Legislative Assembly from the counties of Lemhi and Custer."

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on enrolled bills respectfully report that they have examined substitute for Council Bill No. 77, "An act to provide for readjusting and apportioning the representation to the Houses of the Legislative Assembly from the counties of Lemhi and Custer, and for other purposes." Also Council Bill No. 79, "An act to amend an act fixing the salaries of certain officers in Oneida county," approved January 15, 1881, and find them correctly enrolled, and have this day at 8 o'clock P. M. presented the same to the Governor for his approval.

BUDGE, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on enrolled bills beg leave to report that they have examined and found correctly enrolled Council joint resolution No. 6, providing for the appropriation of two hundred and fifty dollars per annum to the trustees of the Historical Society of Idaho Pioneers, and have this day at 7:30 P. M. presented the same to the Governor for his approval.

BUDGE, Chairman.

At 8:28 P. M. a message was received from the Governor relating to executive business.

On motion of Mr. Johnson, the Council resolved to go into executive session at 10 o'clock P. M.

At 8:30 P. M. the President announced that he was about to sign Council Bill No. 80, "An act regulating the salaries and fees of certain officers of Alturas county.

At 8:40 P. M. the President announced that he was about to sign Council Bill No. 65, "An act relating to the public printing and distribution of the laws and journals."

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives have had under consideration C. J. R. No. 7, to compensate S. H. Lewis for services in assisting the enrolling clerk of the Council, etc., and have passed a substitute therefor, which is herewith transmitted, and respectfully ask the concurrence of the Hon. Council therein. The House has also had under consideration and passed C. B. No. 64, "An act to amend an act entitled 'An act to provide for the printing of blanks for I. T.,'" which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, by leave, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on enrolled bills respectfully report that they have examined and found correctly enrolled, Council Bill No. 65, "An act to amend an act entitled 'An act to provide for the public printing, and for the distribution of the laws and journals,' passed Jan. 12, 1866," and have this day at 8:45 P. M. presented the same to the Governor for his approval.

BUDGE, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined and found correctly enrolled, Council Bill No. 80, "An act regulating the salaries and fees of certain officers of Alturas county," and have this day, at 8:30 P. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Poe, from the special committee, to whom was referred House Joint Resolution No. 9, by leave, reported verbally, and recommended that the resolution be made the special order for 12 M., Wednesday, Feb. 16, 1881.

Report adopted, and recommendation concurred in.

REPORTS FROM STANDING COMMITTEES

Mr. Budge, from the committee on enrolled bills, presented the following report:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: Your committee on enrolled bills, beg leave to report that they have examined and found correctly enrolled, Council Bill No. 64, "An act to amend an act entitled 'An act to provide for the printing of blanks for Idaho Territory,'" and have this day at 9:30 P. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

At 10 o'clock P. M. the Council resolved itself into executive session for the consideration of executive business.

At 10:18 P. M. the Council resumed its session.

MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration C. B. No. 70, "An act to repeal the tenth section of an act entitled 'An act to regulate marks and brands of stock,'" and passed said bill, which is herewith transmitted. Also C. B. No. 74, "An act granting leave of absence to T. J. Curtis, probate judge of Ada county, which is herewith transmitted.

Respectfully,
T. D. CAHALAN, Chief Clerk.

Executive session resumed at 10:21 P. M.

At 10:35 P. M., the Council resumed its session.

MESSAGES FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has had under consideration and passed H. B. No. 103, "An act to exempt officers of fire companies from jury duty," which is herewith transmitted, and respectfully ask the concurrence of the Hon. Council therein. The House has also passed C. B. No. 55, "An act for the relief of Edward McConville, which is herewith transmitted."

Respectfully,
T. D. CAHALAN, Chief Clerk.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Hon. body that the House of Representatives has had under consideration and passed H. C. R. No. 12, in regard to distribution of laws and journals of 11th session of the Legislative Assembly, which is herewith transmitted and respectfully ask the concurrence of the Hon. Council therein.

Respectfully,
T. D. CAHALAN,
Chief Clerk House of Representatives.

House Concurrent Resolution No. 12, relating to the distribution of laws and the journals of the Legislative Assembly, was taken up, read and adopted.

House Bill No. 103, "An act to exempt officers of fire companies from jury duty," was taken up, and read first and second times, rules suspended, bill read a third time and placed upon its final passage.

The question being, Shall the bill pass?

The ayes and nays were called:

Ayes—Messrs. Anderson, Budge, Cobb, Cowen, Dilley, Johnson, Murray, Peck, Poe, Wilmot, and Mr. President —11.

Nays—none.

Absent—Mr. Morrison.

So the bill passed.

At 10:40 P. M.. executive session was resumed.

At 11:03 P. M. the Council resumed its session.

At 11:30 P. M. the President announced that he was about to sign House Bill No. 103, "An act to exempt officers of fire companies from jury duty;" also House Concurrent Resolution No. 12, relating to the distribution of laws and journals of the Legislative Assembly.

REPORTS FROM STANDING COMMITTEES.

Mr. Budge, from the committee on enrolled bills, by leave, presented the following reports:

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb'y 10, 1881.

Mr. President: Your committee on enrolled bills beg leave to report, that they have examined and found correctly enrolled Council Bill No. 70, "An act to repeal the tenth section of an act entitled 'An act to regulate marks and brands,' approved January 12, 1877;" also Council Bill No. 74, "An act granting leave of absence to T. J. Curtis,

probate judge of Ada county," and have this day, at 11:25 P. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

COUNCIL CHAMBER,
BOISE CITY, I. T., Feb'y 10, 1881.

Mr. President: Your committee on enrolled bills beg leave to report, that they have examined and found correctly enrolled, Council Bill No. 55, "An act for the relief of Edward McConville," and have this day, at 11:25 P. M., presented the same to the Governor for his approval.

BUDGE, Chairman.

On motion of Mr. Poe, the chair was instructed to appoint a committee of two, to act with a committee of three to be appointed by the House of Representatives, to wait upon his Excellency, the Governor, and learn of him whether he has any further communications to make to the Legislative Assembly.

The chair appointed as such committee, Messrs. Poe and Cobb.

HOUSE OF REPRESENTATIVES,
BOISE CITY, I. T., Feb. 10, 1881.

Mr. President: I am directed to inform your Honorable body that the House of Representatives has appointed Messrs. Jeffrey, Wood, and Gilson to wait upon His Excellency the Governor, to inquire whether he has any further communication to make to the Legislative Assembly.

Respectfully,
T. D. CAHALAN, Chief Clerk.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY,
BOISE CITY, Feb. 10, 1881.

To the Hon. President of the Council,

Sir: I have this day approved Council Bill No. 79, "To amend an act fixing the salaries of certain officers in Oneida county," approved Jan. 15, 1881; substitute for Council Bill No. 77, "To provide for re-adjusting and apportioning the representation to the Houses of the Legislative Assembly from the counties of Lemhi and Custer, and for other purposes;" Council Bill No. 80; "Regulating the salaries and fees of certain officers of Alturas county;" Council Bill No. 70, "To repeal the tenth section of an act

entitled "An act to regulate marks and brands of stock," approved Jan. 12, 1877;" Council Bill No. 55, "For the relief of Edward McConville."

Very respectfully,
Your ob't s'v't,
J. B. NEIL, Governor.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
IDAHO TERRITORY,
BOISE CITY, February 10, 1881.

To the Hon. President of the Council,

SIR: I have no further communication to make to the Council. Be pleased to express my profound appreciation of the courtesies extended to me during the session. I trust each member may have a safe and pleasant journey to his home.

Very respectfully,
your ob't s'v't,
J. B. NEIL, Governor,

Mr. Poe in the chair.

Mr. Anderson offered the following resolution:

Resolved, by the Council of the eleventh session of the Legislative Assembly of the Territory of Idaho that the thanks of the members, individually and collectively, are due, and are hereby extended to their President, the Hon. John Hailey, for the able and impartial manner in which he has discharged the duties of his office, and the uniform courtesy which has marked his conduct throughout all the proceedings of this body.

Resolution unanimously adopted.

Mr. Poe offered the following resolution:

Resolved, that the thanks of the Council are hereby extended to Rev. Mr. Crook, chaplain; J. H. Wickersham, chief clerk; J. A. Ethell, assistant; to John Gorman, sergeant-at-arms; B. M. Anderson, doorkeeper; to E. B. Tage, engrossing and enrolling clerk; and Miss Annie Brainard, assistant; to J. R. Barkelow, watchman; and Walter Boyakin, messenger, for the faithful manner in which they have filled the several offices confided to them, and the efficient services which they have rendered to this body.

Resolution unanimously adopted.

Mr. Anderson offered the following resolution:

Resolved, by the Council, that in closing our labors, we take with us an agreeable recollection of the courtesy

which has distinguished the conduct of His Excellency, Governor J. B. Neil, and that we leave with him our best wishes for his long sojourn in the Territory and for his health and welfare.

Resolution unanimously adopted.

At 12:05 A. M., on motion of Mr. Johnson, the Council of the eleventh session of the Legislative Assembly of the Territory of Idaho was adjourned sine die.

JOHN HAILEY,
President of the Council.

J. H. WICKERSHAM, Chief Clerk.

To the Honorable A. Ramsey, Secretary of War:

Washington, D. C.

Your Memorialists, the Legislative Assembly of Idaho Territory, would respectfully call your attention to the advisability of an increase of the military force, at Camp Howard, Idaho Territory.

Experience in the difficulties with Indians in this section of the country, has, we think, fully demonstrated the advantages of Camp Howard as a central position for troops; either for operation or observation. It is difficult of access from most points of the Territory, and, is near a large number of Indians; a portion of whom were engaged in open hostilities to the Government and citizens of this Territory; and being in a productive country, where subsistence for men and animals is always procurable, at reasonable prices, and its location in a sanitary point of view is exceptionally good, and there still exists a feeling of insecurity among the settlers of Idaho county, owing to the inadequate force stationed at Camp Howard. We would respectfully submit, that an increase of the forces at Camp Howard would be found advantageous to the Government, and conduce greatly to the security of the people of Idaho county, and the effectiveness of operations against the Indians in the event of hostilities on their part.

And your Memorialists will ever pray.

The Hon, Secretary of this Territory is hereby directed to forward a copy of this Memorial to the Hon. Secretary of War, and one to our Delegate in Congress.

Passed the House of Representatives, January 11th, 1881.

E. B. TRUE, Speaker.

Passed the Council, January 8th, 1881.

JOHN HAILEY, President.

COUNCIL CHAMBER,
January 14, 1881.

I hereby certify that the within Council Memorial No. 4 originated in the Council of the Legislative Assembly of the Territory of Idaho, eleventh session.

Attest:

J. H. WICKERSHAM, Chief Clerk of the Council.

To Honorable A. Ramsey, Secretary of War,
Washington, D. C.:

Your Memorialists, the Legislative Assembly of Idaho Territory, would respectfully call your attention to the advisability of an increase of the military force at Boise Barracks, Idaho Territory.

Experience in the difficulties with Indians in this section of the country has, we think, fully demonstrated the advantages of Boise Barracks as a central position for troops, either for observation or operation. It is easy of access from most parts of the Territory and adjacent country, liable to disturbance from Indians. It is centrally located in a productive country, where subsistence for both men and animals is always procurable at reasonable prices; and its location in a sanitary point of view is exceptionally good. And while at present there exists no evidence of any hostile intentions on the part of any of the tribes or bands of Indians within or adjacent to the Territory, still, the necessity of keeping troops stationed on those parts of the frontier where Indians inhabit, or are located, having been long recognized by the Government, we would respectfully submit that the placing of a sufficient force at Boise Barracks would be found advantageous to the Government, and conduce greatly to the security of our people and the effectiveness of operations against the Indians, in the event of hostilities on their part.

Passed the House of Representatives January 8th, 1881.

E. B. TRUE, Speaker.

Passed the Council, January 7th, 1881.

JOHN HAILEY, President.

COUNCIL CHAMBER,
January 11, 1881.

I hereby certify that the within Council Memorial No. 3 originated in the Council of the Legislative Assembly of the Territory of Idaho, eleventh session.

Attest:

J. H. WICKERSHAM, Chief Clerk of the Council.

To the Honorable, the Senate and House of Representatives of the United States:

Your Memoralists, the Legislative Assembly of the Territory of Idaho, most respectfully represent that there are extensive tracts of desert land bordering on Snake river in the south and south-east portion of said Territory, which are absolutely worthless for agricultural purposes, and must forever remain so unless reclaimed by irrigation. That said land is situated on the benches far above the bed of said river. To convey the water upon said tracts of land will necessarily require a very large expenditure of labor and money—so great that none but heavy capitalists can ever accomplish it. That the grant of six hundred and forty acres given under the present desert land law, is not a sufficient inducement to justify such an expenditure. Your Memoralists would deem it a wise act of legislation to grant the whole of said tracts to any person, company, or corporation, who may reclaim the same by irrigation, with proper restrictions as to the maximum price; said person, company, or corporation, shall charge for said land so reclaimed; *Provided*, that any such lands not sold within twenty years shall revert to the Government. Your Memorialists, therefore, respectfully pray that you will grant a sufficient quantity of said land to justify the expenditure of the necessary means for the reclamation of the same.

And your Memorialists will ever pray.

The secretary of the Territory is requested to forward a copy of this Memorial to the Secretary of the Interior, and to our delegate in Congress.

Passed the House of Representatives January 14, 1881.

ED. B. TRUE, Speaker.

Passed the Council January 10th, 1881.

JOHN HAILEY, President.

RESOLUTIONS IN REGARD TO S. J. HENDERSON.

WHEREAS, in the year A. D. 1876, indictments were found in the district court of the second judicial district of Idaho Territory, and in the county of Ada, against Stephen J. Henderson, one of the pioneers of this Territory and of this coast, a man of ability and education, and whose character up to the time of the finding of said indictments, was without stain or reproach, charging the said Stephen J. Henderson with the crime of robbing the United States mail, and Wells, Fargo & Co. treasure box; and

WHEREAS, the said S. J. Henderson was subjected to great expense and anxiety in thrice defending himself against said indictments in said courts, which continued for many days, and the disgrace of being accused of said crimes caused himself and his family great suffering and distress; and

WHEREAS, subsequently facts came to light which proved that the said S. J. Henderson was entirely innocent of the crime alleged against him, and the parties who were really guilty of the crime were discovered and duly convicted; and

WHEREAS, we believe the said Stephen J. Henderson should be financially relieved, we regret the financial condition of the Territorial treasury will not admit at this time of so doing; now therefore be it

Resolved, by the members of the Legislative Assembly of the Territory of Idaho, that we extend our hearty sympathy to the said Stephen J. Henderson and his family, and heartily express our deep regrets that he was so very unjustly exposed to prosecution for crime of which he was entirely innocent, and which tended to disgrace him and his family, and which proved ruinous to his fortune, and reduced him and his family to poverty. And be it further

Resolved, that all indictments and prosecutions to which the said Stephen J. Henderson was subjected in said courts were wrong, and should reflect no disgrace upon him or his family.

Passed the House of Representatives February, 1879.

J. W. BIRDSEYE, Speaker of the House.

Passed the Council Feb, 21, 1879.

N. B. WILLEY, President of the Council.

OFFICE OF SECRETARY OF IDAHO TERRITORY, June 11, 1879.

I hereby certify the foregoing to be a full, true and correct copy of a resolution, together with all of the endorsements thereon, passed at the tenth session of the Legislature of Idaho Territory, which by mistake was not printed with the laws of said tenth session, and that said resolution is fully entitled to be printed and published, and incorporated into and with the acts, resolutions, and memorials of said tenth session of the Legislature of Idaho Territory.

In witness whereof, I have hereunto set my hand and affix the great seal of the Territory.

[SEAL] R. A. SIDEBOTHAM, Secretary of Idaho.

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I hereby certify that the within Council Resolution No. 2, was introduced in the Council of the Legislative Assembly of the Territory of Idaho, February 21st, 1879.

J. W. GARRETT, Chief Clerk of the Council.